



Progress of Montenegro 2020: **Long travel to the EU**

Shadow report of Coalition 27



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THIS REPORT HAS BEEN PREPARED BY COALITION 27, WHICH IS INFORMAL NETWORK OF NON-GOVERNMENTAL ORGANIZATIONS ESTABLISHED FOR PROMOTING AND MONITORING TRANSPOSITION AND IMPLEMENTATION OF THE EU ACQUITS IN FIELD OF ENVIRONMENTAL PROTECTION AND CLIMATE CHANGE. MEMBERS OF THE COALITION 27: CENTER FOR PROTECTION AND RESEARCHING OF BIRDS, CENTER OF ECOLOGICAL INITIATIVES, FOR LIVING VILLAGE, ASSOCIATION OF THE YOUNG ECOLOGIST NIKSIC, DR.MARTIN SCHNEIDER – JACOBY, GREEN HOME, MANS, MEDCEM, MOGUL, NATURA, OUR ACTION AND NORTH LAND.

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INTRODUCTION

This section is dedicated to present an overall picture of Montenegro EU Accession progress made in the period from October 2019 until September 2020, with regard to environment and climate change mitigation.

In 2016, the Government of Montenegro adopted the National Strategy for the Transposition, Implementation and Enforcement of the EU Legal Framework in the Field of Environment and Climate Change (NEAS) with the Action Plan for the period 2016-2020, which includes an approximate cost estimate.

The lack of administrative capacity and financial resources at national and local level are delaying the strategy's implementation. According to the revised Action Plan, it is obligatory to report on NEAS implementation once in six months instead once in three months as it was previously.¹ Action Plan has recognized 253 obligations for implementation for the period 2018-2020 (131 for transpositions and 122 for implementations). The last Report was adopted at the governmental session held on 26th December 2019 for the period July 2019 until December 2019. According that report, in period from July until December 2019, 11 obligations are realized (4 in transposition and 7 in implementation) or 23,4% - in the field of horizontal legislation 0%, in the field of air quality -100%, in the field of waste management 0%, in the field of water management 22.2%, in the field of nature protection 23.1%, in the field of industrial pollution and control 75%, in the field of chemicals 50%, in the field of noise 0%, in the field of civil protection 0%, in the field of climate change 0%.

In total 64 obligations are planned in 2019, and 22 obligations are realized (8 for transpositions and 14 for implementations) or 34,4%.²

According to same half-year report, 42 obligations planned in 2018 are not realized or 45%

Having in mind the high percentage of unrealized obligations from the previous period, the Government of Montenegro at governmental session held on 26th December 2019 concluded that all ministries involved in the implementation of NEAS are indebted to implement all obligations as soon as possible. However, as the Ministry no longer prepares reports on the implementation of NEAS, it is not known whether obligations are realized or not.

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

¹ http://www.gov.me/sjednice_vlade_2016/82

² Third half-year report of implementation of the NEAS, for period July - December 2019
https://www.gov.me/sjednice_vlade_2016/151 tačka 55

Accession negotiations with Montenegro were opened on June 29th, 2012. At the Intergovernmental Conference, held on the 10th of December 2018 in Brussels, Chapter 27 - Environment and Climate Change is opened. The legal framework and regulatory bodies, as well as the ability to absorb EU funds, require significant capacity building.

The scope and long-term objectives of the Acquis in the field of environment require a full commitment from the Government. In order for this process to be successful, decision-makers need to set the environment high on the list of priorities, which, according to official government documents, strategic guidelines, government work programs, and firstly the budget allocations for investment in the environment, is not the case. A strong determination and a change in the current policy course in this area will be necessary to solve decades of accumulated problems in the field of environment and respond to current and future challenges.

Transposition of EU Acquis which regulate the climate change issues is on the beginning level and climate policies are not adequately integrated into related sectors' policies.

Implementation of the Climate Change Strategy under the EU2030 framework needs to be ensured and its integration in plans and strategies in the field of Energy.

Genuine dialogue between civil society and the Government is required to achieve effective public participation and consultation in decision-making.

The Fund for Environmental Protection (ECO Fund) was established in November 2018 ("Official Gazette of Montenegro", No. 81/18) and needs to become operational (management structure is nominated by Decision published in "Official Gazette of Montenegro", No. 16/19). At 137th Governmental session, held on 03rd October 2019 the Statute of Fund for Environmental Protection (ECO Fund) was adopted.

Without Governmental session (according to the measures against COVID 19), on 02nd July 2020, the **Twenty-fifth Quarterly Report on Total Activities in the Process of Integration of Montenegro into the European Union for the Period January – March 2020**, is adopted. The Report contains an overview of the most important activities related to the political dialogue of Montenegro with the European Union, accession negotiations, informing the public about the process of accession, activities under some Chapters, implementation of the Stabilization and Association Agreement, harmonization of domestic with European legislation and Instrument for Pre-accession Support - IPA. Regarding Chapter 27 it is highlighted that Nagoya Protocol has been ratified and preparation of the Management Plan for Ulcinj Salina is started. For regular and comprehensive information and exchange of views on current topics and challenges of the negotiation process, the Report is forwarded to the Parliament of Montenegro.

METHODOLOGY

The monitoring report follows the previous monitoring report structure. The research is based on the analysis of available and published strategic documents, laws, by-laws, analysis of the EUR-LEX database, adopted governmental reports and official tables of concordance, prepared by Government, which are the part of the law's proposals.

In each thematic section we address the overview and the assessment grid through the analysis of laws and bylaws, the plans of institutions in the legislative part, the budgets of key institutions, the analysis of key guidelines from strategic documents relevant to a particular sub-area, the identification of key projects, the explanation of the given quotes, the analysis of progress and delivery a guideline for improving the situation, identifying challenges and giving key recommendations for individual sub-area.

The aim of this Report is not to replace the Government's contributions to the Annual Report and even less to evaluate the reports on the Implementation of the National Strategy for Transposition, Implementation and Enforcement of the EU Legal Framework in the Field of Environment and Climate Change (NEAS) with the Action Plan for the period 2016-2020, but through the thematic areas it points out the burning problems and provides adequate solutions. The Report covers segments of the environment: horizontal legislation, air quality, waste management, water quality, nature protection, industrial pollution, chemicals, noise, civil protection and climate change.

During the reporting some information is missing which could have an impact on the quality of this Report.

GENERAL OVERVIEW AND ASSESSMENT

Montenegro has some level of preparation in this area. Some progress has been made in further aligning legislation with the EU Acquis in particular in the field of Water Quality regarding the transposition on Marine Strategy Framework Directive and in the field of Climate change and implementation in the field of Air Quality and Water Quality. However, significant efforts are still needed on implementation and enforcement.

Montenegro should accelerate the implementation of the National strategy for transposition, implementation and enforcement of the EU Acquis on the environment and climate change, especially in the horizontal legislation, waste, water, nature protection and civil protection sectors. In regards to the EU accession process it is important to highlight that NEAS is limited until 2020 and there is no publicly available information on preparing the new Strategy or innovation of the existing one.

Administrative capacities have been slightly strengthened. It is necessary to establish coordination mechanism between SEA and EIA on the one side and the Appropriate assessment (AA) on the other side, improve quality of EIA elaborates, communication and coordination with NGOs and local governments, improve capacities of the relevant inspections, improve justice system and knowledge regarding the eco-crime and rationale of Crime Law regarding the environment and nature protection, improve implementation of the Directive 2008/99/EC. Montenegro should improve coordination between relevant sectors (environment, transport, energy, forestry, agriculture, hunting, tourism, etc.).

On air quality, Montenegro should establish a register of air quality influence on the public health, support subventions for energy efficient heating, establish the measure network for air quality in the whole territory of the country.

Regarding waste and water management Montenegro should improve implementation of State's plan for management of waste, adopt and implement River Basin management plans and accelerate the preparation of Marine Strategy. Implementation of the National Waste Management Strategy and national and local plans for waste management is not satisfactory, the recycling rate is still low, and the infrastructure is poor.

On nature protection, Ulcinj Salina has been protected in 2019, five-years Management plan has been prepared but not adopted yet. The Municipality Ulcinj is obliged to manage this protected area but there are no financial and human resources for that. PE National Parks of Montenegro will manage this area until August 2021. Majorities of protected areas proclaimed in the last five years are still "paper parks" with no proclaimed managers or not developed and adopted management plans. Currently, PAs are faced with insufficient capacity for dealing with all the aspects of environmental management. Montenegro should take urgent measures to preserve and improve the ecological value of protected areas and potential Natura 2000 sites.

On climate change, progress is achieved in further alignment with EU Acquis Communautaire.

Parliament of Montenegro adopted the Law on Protection from negative impact of Climate Change but has to intensify its work to ensure consistency with the EU 2030 climate and energy policy framework and to ensure that Climate Change Strategy and new Law are integrated into all relevant sectoral policies and strategies.

As for the UN Framework Convention on Climate Change (UNFCCC), Montenegro has adopted a Third National Report on Climate Change. Montenegro started with preparation of the National Energy and Climate Plan in line with the Energy Community recommendations in June 2020.

Many strategic documents (NEAS, National strategy for Air quality, National strategy on biodiversity, National Waste Management Plan) are limited until 2020.

In this reporting period, Parliament of Montenegro adopted the Law on Protection from negative impact of Climate Change and Law on marine environment protection, Law on Amendments on the Law on Transport of Dangerous Substances, Law on ratification on Nagoya Protocol.

The Government of Montenegro adopted the Law on Amendments on the Law on Protection on Noise in Environment and Law on Amendments on the Law on Wildlife and Hunting (which are in the Parliamentary procedure). Management plan for Communal Waste Water for period 2020-2035, Statute of Fund for Environmental Protection, Statement for Draft Decision for criteria, type and amount of compensation, method of payment, taxpayers, as well as facilities for certain categories of payers for environment polluters for Municipality of Pljevlja, Plan for remediation for hot spots in Municipality of Pljevlja, Plan for reconstruction of TPP Pljevlja (First block) and toplification of Pljevlja Municipality, by-law in accordance with Law on IPPC, Program for building WWTP and collectors system, Act of Proclamation of the new protected area Nature Park „River Zeta“, National plan for flood protection and rescue, National plan for protection and

rescue regarding the technical and technological hazards, Information about concussions in the field of water and forest, Report on NEAS implementation for period July-December 2019, Monitoring environment programme for 2020, Monitoring programme for Surface Waters and Ground Waters, Decision on Determination of Sensitive Areas in the Water Area of the Adriatic basin, Report on Implementation of the AP for reducing the negative impact on the environment, Report on Implementation of the Plan for reorganization and strengthening of administrative capacities for the sectors of environment and climate change in Montenegro for the period 2017-2020, Management Forestry Programme for 2020, Report on Implementation of Action Plan against illegal activities in the Forestry Department, Report on Implementation of Action plan of Forestry Strategy, Report on Implementation of Chemicals Management Strategy, Plan for elimination of HCFC substances that Deplete the Ozone Layer, By-law for methodology for establishing the price for communal services, by-law according to the Law on Chemicals, Report on Implementation of National Strategy on Air Quality and Third Report on Implementation of Climate Change Strategy.

The implementation of Natura 2000 is continued.

According to the Government's Report for the 1st and 2nd quarters of 2020, the following obligations are realized: Amendments to the Rulebook on the Detailed Content of the Chemical Safety Report, Rulebook on Plants Using Organic Volatile Compounds, Rulebook on Amendments to the List of Classified Substances, Rulebook on Criteria for Identifying Substances as Persistent, Toxic and very persistent and Bio accumulative, Rulebook on emission limit values, technical measures for exemption from the application of limit values and method of monitoring, Rulebook on the content, form and manner of filling in the application for the issuance of an integrated permit³.

Lack of political will, insufficient horizontal coordination between state authorities, delay in fulfilling certain obligations proves that the capacities of state administration are limited. All this leads to poor implementation and enforcement of legal acts, delays and deadlines postpone.

Lack of human resources is evident. After the resignation of the Minister of Sustainable Development and Tourism in November 2019, the Government of Montenegro did not appoint a new minister.

According to the Report on Implementation of the Plan for reorganization and strengthening of administrative capacities for the sectors of environment and climate change in Montenegro for the period 2017-2020 the six new employees are engaged in the period from July 2018 until December 2019 (two of them in the two inspections). This Plan is significantly different from NEAS⁴ and that should be harmonized and prescribes clear vision and priorities. According to the NEAS the total needs are 227 new employees (54 for Horizontal Legislation, 10 for Air Quality, 21 for Waste Management,

³ Report on the implementation of the Program of Accession of Montenegro to the European Union for the I and II quarter of 2020, Podgorica, July 2020.

⁴ National Strategy for transposition, implementation and enforcement of EU environment and climate change Acquis (NEAS) with Action plan for period 2016-2020, pg. 174

52 for Water Quality, 18 for Nature Protection, 13 for IPPC, 20 for Chemicals, 5 for Noise, 7 for Civil Protection and 27 for Climate Change) and 47 in three inspections (Ecological - 24, Forestry -14 and Water - 9).⁵

There is no sustainable financial framework which can respond to demanding implementation and enforcement of legislation. ECO Fund is established but still not operational. Expectation that the Eco Fund could serve as a key mechanism for financing obligations under Chapter 27, is a challenge from the capacities, organizational, technical and financial point of view. The funds that could be collected are not sufficient for the costs of financing the environmental projects and costs estimated in the NEAS. For example, for “heavy” directives it is necessary to prepare implementation plans and according to that plans the costs in the state budget.

It's obvious that there will be no substantial financial allocations for closing the Chapter 27 deriving directly from the state budget but rather from private sector penalties. Having in mind the low rate of collectability of tax and penalties from this sector, there is a reasonable doubt that proposed solutions within the Eco Fund will be able to significantly contribute to attain the committed activities under this Chapter. It is estimated that the total cost of alignment amounts to EUR 2,108 million⁶ in nominal terms. Limited financial resources in the relevant ministries and administrative bodies remain a matter of concern, especially with regard to the overall capacity of these institutions in order to ensure the effective implementation and enforcement of the Acquis. According to the Law on Budget for 2020 the amount of 1.63 mil. or 0.09% of total expenditures of the current budget funds were allocated for the Program "Environmental Protection and Communal Development", in 2019 € 1.33 mil. or 0.08%, in 2018 the amount of € 1.43 mil. or 0.09%, in 2017 the amount of € 1.8 mil. or 0.09% were allocated which is more than insufficient for carrying out the strategic and legislative activities in this area.

Funding for the EPA Monitoring Program for 2020 is 531.737 €⁷, for 2019 was €410.000, for 2018 was €400.000, for 2017 was €330,000, while for 2016 it amounted to € 322,500.

Lack of horizontal coordination between governmental institutions seriously jeopardizes the quality of legislative processes.

Regarding the cooperation with the civil sector, more transparency and cooperation is necessary. Further monitoring of legislative activities, by the EU institutions, better communication with environmental CSOs as well as publishing of the opinions given by the European Commission to the drafted legislation could contribute to the quality of legislative process. Although competent CSOs monitor, participate, argue and insist on

⁵ National Strategy for transposition, implementation and enforcement of EU environment and climate change Acquis (NEAS) with Action plan for period 2016-2020, pg. 140-200

⁶ National Strategy for transposition, implementation and enforcement of EU environment and climate change Acquis (NEAS) with Action plan for period 2016-2020, pg. 118

⁷ Annual programme monitoring for 2020, adopted at 153th Governmental session, held on 26th December 2019

dialogue in all important processes of national interest, this is largely ignored by the line ministry and responsible institutions.

The civil sector does not have adequate finance or state support that prevents it from monitoring the activities of state bodies in an adequate and continuous manner. Public call of the Ministry of sustainable development and tourism for financing NGO projects was published with big delay (august 2019) and implementation of approved projects started only in December 2019. Although in 2020 the public call was published in the first half of the year, the results of the call are significantly delayed and by the time of composing this report (September 2020) they still have not been published. It is not clear why the procedure has been so delayed, but it is certain that implementation of these projects will start by the end of the year.

In this reporting period there was no significant changes in work of inspection bodies (environmental inspection and inspection for waters) and the number of inspection checks and determined irregularities have remained at the level from previous years.

The number of registered persons for crimes against the environment increased in 11.2% in 2019⁸ (in 2018 were registered 269 persons, in 2017 were registered 381 persons, 380 persons were registered in 2016, in 2015 against 474 persons, and in 2014 were registered 554 persons).

According to individual criminal offenses and persons reported, due to the criminal offense pollution of the environment, no person (in 2018- 1 person, in 2017 - 1 person, in 2016 - 4 persons, in 2015- 1 person, and in 2014 there were no registered persons), due to criminal acts of damage to the environment 1 persons (in 2017 - 6 person, in 2017 - 1 person, in 2016- 3 persons, in 2015- 1 person, in 2014 -2 persons), for the criminal offense of killing and torturing animals and destruction of their habitat 10 persons (in 2018- 21 persons, in 2017 - 11 persons, in 2016 - 11 persons, in 2015 - 11 persons and in 2014 - 16 persons), illegal handling with danger substances – 1 person , due to the criminal act in forestry -3 person, due to the criminal act of forest theft- 103 persons (in 2018- 121 persons, in 2017 - 121 persons, in 2016- 127 persons , in 2015 - 155 persons and in 2014 - 194 persons), due to the criminal offense of illegal hunting of 12 persons (in 2018- 10 persons, in 2017 - 9 persons, in 2016 - 21 persons, in 2015 - 22 persons), because of the criminal offense of illegal fishing 18 persons (in 2018 - 24 persons, in 2017 - 34 persons, in 2016- 36 persons, in 2015 - 22 persons, and in 2014 - 9 persons), due to the criminal offense of building an object without registration and documentations for construction 152 persons (in 2018- 73 persons, in 2017 – 199 persons, in 2016- 169 persons, in 2015 - 214 persons, in 2014 - 246), due to the criminal offense of building a complex engineering facility without building's permit no persons (in 2018- 8 persons, in 2017 - 1 person, in 2016 - 5 persons, in 2015 - 45 persons, in 2014 - 40 persons), due to the illegal connection on infrastructure-3 persons.⁹

Montenegro needs to ensure adequate staff numbers, training and equipment and overall coherence between its plans for alignment and the timetable for the reinforcement of its capacity. A precise division of responsibilities between the most relevant ministries and

⁸ Report on the work of the Prosecutorial Council and the State Prosecutor's Office for 2019 (Draft); pg. 50

⁹ Report on the work of the Prosecutorial Council and the State Prosecutor's Office for 2019 (Draft);

other relevant institutions and the local authorities needs to be defined and more effective coordination between these institutions is required.¹⁰ A more openness and trust towards civil society is necessary. Further monitoring of legislative activities, by the EU institutions, better communication with environmental CSOs as well as publishing of the opinions given by the European Commission to the drafted legislation will contribute to the quality of legislative process.

HORIZONTAL LEGISLATION

In the field of **horizontal legislation**, in the period from October 2019 until September 2020 there is not progress in harmonization with the relevant EU Acquis in this field.

The implementation legislation is still challenging, particularly in terms of access to information in the possession of state authorities, the processing of those responsible for environmental crime, as well as the adequate implementation of the SEA and EIA mechanism, especially at the local level. It is necessary to improve and coordinate the SEA and EIA procedures and harmonize procedures with the Appropriate Assessment on Ecological Network Mechanism (AA). The significant importance is civil society participation, access to justice and accountability for environmental damage are key issues for the effective implementation of the EU Acquis.

Realization of Implementation Plan for Directive 2008/99 of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law and for Recommendations 2001/331 of the European Parliament and of the Council of 4 April 2001 providing for minimum criteria for environmental inspections in the Member States is missing.

The cooperation with the civil sector and local communities is still challenging, especially in the early phase of information and consultation.

OVERVIEW AND THE ASSESSMENT GRID

In the reporting period there are not adopted new laws and/or by-laws.

Environmental monitoring is also a particular challenge. Information on the state of the environment for 2019 has not been adopted yet. A collision in laws can lead to their inadequate enforcement (Law on Environment, Law on Water, Law on Nature Protection).

According to the reports on implementation of NEAS with AP for period July-December 2020 the by-laws in accordance with Regulation 268/2010/EU of 29 March 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the access to spatial data sets and services of the Member States by Community institutions and bodies under harmonised conditions and Decision 2009/442/EC of

¹⁰ Sector planning document, Montenegro -Environment & Climate action, pg. 41

implementing Directive 2007/2/EC of the European Parliament and of the Council as regards monitoring and reporting are not prepared and adopted.

RATIONALE

In this area we would like to point out the necessity of better coordination between SEA and EIA implementation's procedures and harmonize procedures with the Appropriate Assessment procedure on Ecological Network (AA). It is **not obligatory to implement the SEA for the concession acts** and plans. An efficient coordination between the stakeholders is missing.

Environmental impact assessment, taking into account and consideration of possible impacts, all alternatives and necessary mitigation and compensation measures, need to be improved. The quality of elaborates of impact assessments and public consultations with civil society and other stakeholders needs to be improved. An efficient coordination among the stakeholders is missing.

The capacities of responsible public institutions are low; there is a lack of proper public participation and big influence of the investors, especially at the local level.

Proposed **mitigation measures are often inadequate and unacceptable** and the lack of control of measures in practice is evident. This was most evident in the case of small hydropower plants that have already been built and put into operation. During this summer, many cases were recorded where the riverbeds, on which such facilities have already been built, dried up due to inadequate mitigation measures or lack of control of measures.

Better implementation and enforcement of the Directive about access to information, and better transposition, implementation, and enforcement of the Directives about access to justice and public participation are needed.

Directive 2008/99/EC is highly transposed, but implementation is a challenge. The implementation of Directive 2008/99/EC is not at satisfactory level due to the unclear provisions of the Criminal Code, the possibility of subjective interpretation by the participants in the proceedings and insufficient capacity of the inspection, prosecutor's office, and the judiciary and court experts. Objective disadvantages and problems are associated with the legal regulations in the Criminal Code Title XXV, concerning crime in the area of environmental protection. A particularly significant problem is the way in which courts interpret the legal standards ("pollution on a larger scale or in a larger area," "danger to human life or health", "destruction of flora or fauna on a larger scale").

During 2019, the ecological inspection carried out 2.586 inspections (regular 1.463, on the initiative 185, on demand 27 and control inspection 911). 1.224 irregularities were found. According to the previous report there were 2.237 inspections (regular 1.438, on the initiative 123 and control inspection 676). 783 irregularities were found. The

penalties in the total amount was 8.700,00€, with 78 requirements for initiating misdemeanor proceedings and 1 criminal report.¹¹

909 decisions were adopted based on: Law on Waste Management (255), Law on Environment (183), Law on Air Quality (61), Law on Noise Protection (9), Law on Environmental Impact Assessment (174), Law on Protection against Ionizing Radiation and Radiation Safety (123), Law on Nature Protection (18), Law on Chemicals (38), Law on Integrated Prevention and Control of Environmental Pollution (6), Law on Protection against Non-Ionizing Radiation (35), Law on Environmental Damage (6). Law on National Parks (1). Of the total number, the number of decisions that refer to prohibition of performing activities is 11.¹²

The water inspection carried out 421 inspections (regular 222, on the initiative 117 and control inspection 82). 82 irregularities were found. According to the previous report, there were 431 inspections (regular 200, on the initiative 119 and control inspection 112) in which 73 irregularities were found. The penalties in the total amount was 6.630,00 €, with 13 requirements for initiating misdemeanor proceedings and 10 criminal reports.¹³

The administrative and judicial procedures are not effective and access to environmental information, public participation and justice also.

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

Cooperation with the civil sector often represents only the formality while essentially, it's absent.

CHALLENGES

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

Deficiencies such as: unclear level of expertise of persons providing consulting services, lack of criteria for relevance and age of data, inadequate list of projects for which the EIA is mandatory, are evident.

Inadequate environmental monitoring is also a particular challenge.

Further progress is needed on the implementation of the remaining horizontal EU Directives such as the Environmental Crime and the Environmental Liability Directives.

¹¹ Report on the work of the Inspectorate Administration in 2019, pg. 82: <http://www.uip.gov.me/biblioteka/dokument>

¹² Report on the work of the Inspectorate Administration in 2019, pg. 82: <http://www.uip.gov.me/biblioteka/dokument>

¹³ Report on the work of the Inspectorate Administration in 2019, pg. 87: <http://www.uip.gov.me/biblioteka/dokument>

According to the NEAS' Reports, the following obligations are not realized: preparation of the rulebooks for transposition of the Regulation 268/2010/EU and Decision 2009/442/EC are not prepared and adopted.

KEY RECOMMENDATIONS

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

Prepare the missing by-laws for further transposition of the Regulation 268/2010/EU and Decision 2009/442/EC.

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

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

Improve the cooperation between the responsible institutions for implementation of the Law on Environment and the Law on Free Access to Information and simplify the procedure for access to information.

Establish a regular and continuous dialogue when it comes to decisions relating to major interventions in protected, even potentially protected, areas or interventions that directly threaten them.

Strengthen the inspection capacities, consistently enforce the measures of inspection supervision.

Strengthen the capacities of the Agency for the Protection of Nature and the Environment and Local Self-Governments for the implementation of the SEA and the EIA.

Strengthen the capacities of institutions in charge of implementing the Criminal Code and the Law on Misdemeanors in order to fully implement the Environmental Violence Directive. Prepare Amendment on the Law and clarify the definitions regarding the impact on the environment.

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

Consider the interests and specificities of local communities in the development of the project, especially in water management, waste and renewable energy.

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

Establish the better coordination and implementation between SEA, EIA and AA especially for NATURA 2000, EMERALD and UNESCO sites.

Establish the continuing dialog regarding the interventions in the protected areas and/or planned protected areas and carefully assess the impact of those interventions.

Consult local governments, their specificity and interests regarding the projects' development, especially in the field of water management, waste management and source of Renewable Energy.

II AIR QUALITY

In the field of **air quality**, in the period from October 2019 until September 2020 further progress has been achieved in implementation of Directive 2008/50 and Directive 2004/10.

Implementation of Directive 2016/2284 has to be accelerated. The TAIEX project is prepared.

The expansion of the network station for air monitoring is started. Number of measures stations has increased.

The implementation of the adopted action plans, the implementation of air quality plans, the quality control of marine fuels, the establishment of maximum national emissions and the preparation of the National Program for Progressive Emission Reduction and full implementation remains a challenge.

According to the Report on Implementation of the National Strategy for Air Quality just 2 measures of the 10 in total are implemented. Implementations of 6 measures are ongoing and 2 of them are not realized.

In order to improve the situation in this area, it is necessary to work on strengthening the implementation and enforcement of laws. Sustainable funding and staff strengthened institutions are a prerequisite for progress. Full functioning Air quality monitoring systems need to be established in order to provide objective data for air quality in the country. It is necessary to establish a fuel control system at sea.

OVERVIEW AND THE ASSESSMENT GRID

In the reporting period there is adopted Rulebook on Amendments to the Rulebook on technical standards for air protection against emissions of volatile organic compounds are formed by storage, refueling and distribution of motor gasoline which transposed Directive 2014/99/EU.

In implementation part the realization of remediation of the landfill of TPP "Pljevlja", Rehabilitation of flotation tailings Gradac, Preparation of a study on the improvement of public passenger transport, conducting an educational campaign on the negative effects of ignition agricultural waste and construction of the first phase of infrastructure for heating of Pljevlja are ongoing.

On July 16th 2020, the Government of Montenegro adopted the Report on the Implementation of the National Strategy for Air Quality with the Action Plan for 2019, without governmental session¹⁴. The report states that just 2 measures of the 10 in total are implemented. Implementations of 6 measures are ongoing and 2 of them are not realized¹⁵.

Established real-time air quality reporting system is not operational¹⁶. At the web site are available monthly reports.

According to the NEAS's Reports, planned obligation in transposition part is realized by MSDT regarding the adoption of the sub-legal act. However, all obligation in the implementation part has not been realized yet.

RATIONALE

From the Report on Implementation the National Air Quality Management Strategy it can be concluded that the implementation part could be accelerated.

Available reports for air quality are presented on the NEPA's web site for October 2019 until August 2020.¹⁷

An average concentration of PM_{2.5} particles on yearly level was above the prescribed limit value for the whole central and northern zone in January and February 2020.

In the reporting period, Pljevlja had 97 days of exceeding the mean PM₁₀ concentration limits and 14 days of exceeding the mean SO₂ concentration limits.

¹⁴ In accordance to the measures against COVID 19

¹⁵ Report of Implementation the National Air Quality Management Strategy for 2019, http://www.gov.me/sjednice_vlade_2016

¹⁶ <http://www.epa.org.me/vazduh/index.php/postaja/1>

¹⁷ <https://epa.org.me/mjesečni-izvještaji-o-kvalitetu-vazduha/>

In Bar municipality 4 days were recorded with average daily concentrations of suspended PM10 particles exceeding.

In Podgorica, in measure station Blok V 53 days were loaded with high concentrations of PM 10 and in measure station Zabjelo 67 days were loaded with high concentrations of PM 10.

In Nikšić, 59 days were loaded with high concentrations of PM 10.

In Bijelo Polje 105 days were loaded with high concentrations of PM 10.

In Kotor 3 days were loaded with high concentrations of PM 10.

The air quality monitoring system has been improved but should be improved continuously which is necessary due to frequent deterioration of air quality in larger agglomerations. There was expansion of the network of measuring stations for monitoring the quality of air with three new stations.

In the part of capacity building for air quality management, during 2019 the IPA project “Strengthening the capacity for air quality management in Montenegro” with an amount of € 1.1 million, within which a new one was procured, installed and put into operation air quality monitoring and analysis equipment. It was made mandatory within the project revision of air quality zones, three new measuring points for monitoring have been set up air quality, while new measuring instruments were installed on the existing ones and performed relocation of measuring points to more representative locations where possible and necessary.

At the end of 2019, the Ministry of Sustainable Development and Tourism financially supported its cooperation between the Agency for Nature and Environmental Protection and the Austrian Environmental Agency environment, which resulted in the development of an inventory of emissions of pollutants into the air for period 2012-2018 and by updating the inventory for the complete time series of 1990 in accordance with the innovative methodology. The updated inventory has been completed in March 2020.

The Draft Air Pollution Control Program was finalized in September 2019 and is currently being updated in accordance with the innovated inventory of air pollutant emissions. This Program will be an integral part of the innovative Air Quality Management Strategy for the period 2020-2024.¹⁸

¹⁸ Report on implementation of National strategy for Air Quality in 2019, pg. 5

CHALLENGES

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

The biggest challenge in the field of air quality is to achieve the prescribed quality of the air in all zones. Increased concentration of suspended particles of PMs, particularly in the municipality of Pljevlja, Bijelo Polje, Podgorica and Nikšić during the heating season, is concerning both due to the frequency and the amount of concentrations, despite the fact that these municipalities with exception of Bijelo Polje, have adopted Action plans for improvement of air quality.

There is a noticeable trend of deterioration of air quality in municipalities where there are no measuring stations (e.g, Cetinje, Berane), but specific data on air quality for these municipalities do not exist.

A concrete stimulus for more environmentally friendly heating methods is needed.

Neither contemporary environmental standards for air quality for industrial pollutants whose emissions of pollutants undoubtedly have impact on air quality nor regular inspection controls to determine the obligation for pollutants to change filter plants in accordance with standards are respected.

There is no coordination of strategic activities with the transport sector in order to consider the possibility of changing the traffic regime in the most severe urban centers.

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

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

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

KEY RECOMMENDATIONS

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

Concrete impetuses are needed for more environmentally friendly heating methods and improve supervision and quality control of pellet production.

Bearing in mind the frequency of using inefficient stoves and solid fuel stoves in households, it is necessary to critically consider not only the deadlines for transposing this directive, but also the permitted emission limit values in line with Eco-labelling Directive 2009/125/EU.

Improve the capacities of the state network for monitoring the air quality by encompassing all municipalities in the territory of Montenegro, providing servicing of measurement equipment within the state borders and performing regular servicing in the period of the lowest degree of pollution.

Provide adequate funds in the budget for air quality monitoring.

Reliable data on air quality is crucial for launching air quality mechanisms.

Establish coordination of strategic activities between the environmental and transport sectors in order to consider the possibility of changing the traffic regime in the core cities' centers. Update the Strategy of Traffic Development that would adequately address air pollution as a consequence of intense and unsustainable transport and allow for effective resolution of this issue.

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

Conduct regular inspection controls to determine the obligation for the pollutant to change filter plants in accordance with the standards.

Update the inventory of pollutants in the air and ozone precursors.

Provide VOC Recovery Equipment for storage, transport and distribution of fuel to petrol stations and during filling of fuel in motor vehicles.

Establish a mechanism for controlling the quality of marine fuels.

Strengthen the capacities of key institutions for transposing, implementing and enforcement of legislation with professionals who have the specific knowledge necessary to make progress in this area.

Provide the necessary financial resources for the implementation and enforcement of legislation in this field.

III WASTE MANAGEMENT

From October 2019 until September 2020, there is no progress in the field of Waste Management regarding the transposition.

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

Further alignment with Directive 2008/98, Directive 94/62, Directive 1999/31, Directive 2006/66, Directive 93/86, Directive 2012/19, Directive 2011/65, Directive 2000/53, Directive 86/278, Directive 2006/21 and Regulative 493/2012 has not been achieved.

It is necessary to implement the waste management options in line with the EU standards taking into account hierarchy approach: reducing waste generation, maximizing recycling and reuse, limiting the incineration of non-recyclable materials, abolishing the disposal of non-refundable and non-recyclable waste, ensuring full implementation of the waste management policy goals.

In order to ensure an adequate waste management system, it is necessary to ensure compliance with the principles of sustainable development, transparency and accountability in waste management. Future projects should be developed and implemented efficiently. The interests of local communities should be taken into account when implementing activities in this field. Impact assessments of projects in this area should not be realized "pro forma", but in an adequate way to show the impact on other segments of the environment.

Considerable efforts in terms of strategic planning and investments are needed to implement the National Strategy for Waste Management until 2030 and the National Waste Management Plan for the period 2015-2020.

System for separate collection of other special waste categories has to be established.

There is an urgent need to remedy illegal waste disposal and the use of temporary waste disposal in all municipalities. Infrastructure for separate waste collection and recycling needs to be established.

Local Action Plans have to be implemented.

OVERVIEW AND THE ASSESSMENT GRID

In the area of **waste management**, in the reporting period there were no activities in the transposition part.

According to NEAS and AP's Report from December 2019 the obligations according to the transpositions of Directive 2008/98, Directive 94/62, Directive 2006/66, Directive 93/86, Directive 2012/19, Directive 2011/65, Directive 2000/53, Directive 86/278, Directive 2006/21 and Regulative 493/2012 have not been realized.

Rulebook for methodology for establishing the price for communal services is adopted.

RATIONALE

The basic principles of waste management defined in the National Strategy for Waste Management until 2030 and the National Waste Management Plan for the period 2015-2020 are not enforced. A huge number of local municipalities dispose of waste on unregulated dumpsites and a large number of illegal landfills is evident. Due to the absence of the primary selection and a large fraction of organic components in the composition of communal solid waste, landfills are the sources of emission of greenhouse gases (methane).

Information of State's monitoring has not been adopted and there is no valid data about potential soil contamination due to non-elaborated and improperly disposed industrial or municipal waste.

Report on implementation of the National Waste Management Plan has not been adopted in the reporting period.

CHALLENGES

The basic problem in this area was uncertainty regarding a clear final national decision on the choice of waste management option and accordingly, local plans do not offer quality solutions, i.e., local governments are limited in creating long-term solutions for adequate waste management.

Additional problems are the **low recycling rate, the lack of adequate statistical data on waste quantities and the incompatibility of these data between the competent institutions, as well as the poor communal infrastructure**. The system for selective waste disposal has not been established, a **large number of local governments place waste on illegal dumps/landfills, while the existence of a large number of illegal landfills** is evident. There are no measures to encourage the reuse, recycling and selective collection of waste materials.

The problem is also the issue of disposal of sewage sludge that is elaborated in the Wastewater management plan prepared in 2019. Although there is good and clear regulation, it seems that practical and environmentally sound solutions for sludge management are far from being applied in practice and that this problem requires urgent attention and adequate solutions.

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

The main challenge in Montenegro in the area of waste management is the establishment of an adequate infrastructure that would enable the system of selection/recycling of waste, the rehabilitation of numerous illegal dumpsites throughout Montenegro, the location determination for industrial waste disposal and the establishment of effective supervision. Poor equipment of local businesses is worrying. The lack of containers in the rural area is still worrying, given that the waste is either burned or disposed of in the streams or rivers.

Remediation of unregulated landfills in Montenegro remains a challenge for all local governments.

In Montenegro, disposal is still the most prominent method for the final solution of waste generation.

Tires remain a problem and are often burned by the Roma population. This problem is common in Podgorica and affects poor air quality.

There is no landfill for non-hazardous construction waste. Therefore, large amounts of this type of waste are disposed of in riverbeds. During the construction of the Bar-Boljari highway, large amounts of construction waste were dumped in and near Tara river and endangered water quality.

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

KEY RECOMMENDATIONS

Prepare and adopt the National Waste Management Plan in Montenegro for the period 2021-2026.

Adopt the local Waste Management Plans for all local government units in line with the new National Waste Management Plan.

Accelerate work on resolving a problem with temporary landfills.

Resolve the issue with the hazardous waste landfill.

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

Local Action Plans have to be implemented. Monitor the implementation of local waste management plans, especially in the part of achieving the set targets for recycling.

Rehabilitate the existing waste disposal sites of communal and non-hazardous construction waste.

Resolve the issue with the used tires.

Determine locations for disposal of non-hazardous construction waste.

Establish a system for the separate collection of other special waste categories.

The existing system is unsustainable and harmful to the environment and human health. Particular efforts need to be made in order to divide hazardous and municipal waste.

Establish the primary selection system, on the principle of at least minimal separation on the "wet" and "dry" bunk.

Reduce the biodegradable municipal waste and promote composting.

Improve the waste management control system with special emphasis on the movement and disposal of waste.

Develop partnerships with the civil sector and include them in the process of drafting new regulations and monitoring the application of existing ones.

Create an economic model that will motivate local governments to dispose of waste on sanitary landfills and accelerate the process of closure and remediation of illegal landfills/dumpsites.

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

Provide a public reporting system for emissions from the landfills/dumpsites operated by the Public Utility Companies.

Improve public awareness of the importance of establishing a waste management system and the harmful consequences of inadequate waste management on human health and the environment.

Develop capacity of institutions at all levels to monitor and enforce the implementation of regulations.

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

Provide information and education resources on the importance of establishing a waste management system and, in partnership with CSOs and media, inform and educate the public.

Introduce economic tools for reducing waste that goes to landfills without any treatment.

Introduce a deposit system for waste packaging.

Consider the possibility of placing containers for the selective disposal of glass and plastic in large markets in order to motivate citizens for primary waste selection and raising public awareness of the importance of recycling.

Include the rural areas into the system of utility services by the competent authorities.

Work on the establishment of the planned infrastructure in accordance with the National Plan.

Promote the reduction of the amount of deposited biodegradable waste at landfills, reuse of waste, recycling and prevention of waste generation.

The landfilling waste should be limited to the unavoidable minimum.

Regulate the management of specific types of waste, such as medical, animal waste, electronic, construction and mining waste.

Improve coordination between the main stakeholders in the field of wastewater and waste management as a prerequisite for addressing the increasing amounts of sewage sludge generated in the WWTP.

Start with the establishment of a system for disposal, collection and treatment of packaging waste, batteries, accumulators, old vehicles.

Prepare a strategy for the disposal and decontamination of equipment and waste which contain PCBs and PCTs, as well as the Program of Land and Guidance on the Possibility and Manner of Use of Processed Sewage Sludge.

Provide public insight in waste collection and management statistics and to enable the functioning of a unique system of data collection on types and quantities of waste.

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

Ensure video surveillance on illegal landfills and prosecute perpetrators.

Determine sites for disposal of construction waste.

Strengthen the administrative capacities at the state level, in particular the capacities of the Administration for Inspectorate Affairs, as well as the capacities of communal inspectorates at the local level.

Strengthen cooperation between state and local authorities.

Considerable efforts in terms of strategic planning and investments are needed to implement the National Strategy for Waste Management until 2030 and National Waste Management Plan for the period 2015-2020.

There is an urgent need for remediation of illegal waste disposal and use of temporary waste disposal in all municipalities. Infrastructure for separate waste collection and recycling needs to be established.

IV WATER QUALITY

In the field of water quality, in the period from October 2019 until September 2020 progress in harmonization of Directive 2008/56 has been achieved.

Progress in implementation regarding the obligations from NEAS has been achieved. Monitoring network for surface and groundwaters is established in accordance with Directive 2006/118 and First Programme Monitoring of surface and groundwaters are adopted.

Management Plans for two river basins has been prepared but not adopted yet.

Preparation of National Marine Strategy has not been started yet.

Program for WWTP construction was adopted.

Management Plan for Communal Wastewaters in Montenegro (2020-2035) was adopted.

National plan for Flood Rescue and Protection was adopted.

Lack of financial resources for construction or modernization of the urban wastewater collection and treatment systems and water supply system as well as unclear division of responsibilities between competent authorities is a challenge.

Pollution of municipal and industrial wastewater, construction in floodplains, intensive construction of small hydro power plants on mountain waters and in protected areas, remain the most serious threats.

OVERVIEW AND THE ASSESSMENT GRID

In the area of **water management**, in the reporting period the further harmonization with EU Acquis has been achieved by adoption of the Law on marine environment protection. Law is partly harmonized with:

1. Commission Directive (EU) 2017/845 of 17 May 2017 amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies. OJ L125,18.5.2017

2. Commission Decision (EU) 2017/848 of 17 May 2017 laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardized methods for monitoring and assessment, and repealing Decision 2010/477/EU, OJ L125,18.5.2017
3. Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing framework for community action in the field of Marine environmental policy (Marine Strategy Framework Directive), OJ L 164, 25.06.2008.

At the 137th Government session on October 3rd 2019 the Management Plan for Communal Wastewaters in Montenegro (2020-2035) was adopted. This Plan was submitted to the EC together with the Specific Implementation Plan of the Urban Wastewater Directive 91/271 / EEC (DSIP).

At the 145th Government session on 28th November 2019 the Programme for construction of collector systems and plants for the treatment of Communal wastewater was adopted.

At the 148th Government session on 12th December 2019 National plan for Flood Rescue and Protection was adopted.

The implementation of the IPA 2016 project "Management Support and monitoring in water management in Montenegro " ensures implementation of following Directives: Nitrates Directive, Groundwater Directive, Floods Directive and Marine Strategy Framework Directive. Implementation of this Project contributes to the implementation of obligations under the framework fourth final benchmark (water quality), in accordance with the requirements of the EU Common Position for Chapter 27.

Report on implementation of the National Strategy of Water Management for 2019 has not been adopted yet.

Decision on determination of vulnerable areas in the water area of the Adriatic basin was adopted.

New contracts are signed for building sHPPs „Jezerštica“ „Bistrica“ „Jelovica 2“ „Jelovica 1“, „Crnja“, „Ljubaštica“, „Crni potok“.¹⁹

RATIONALE

In the water sector the system of competences is fragmented. The Ministry of Agriculture and Rural Development is the Competent Authority. According to the fragmented

¹⁹ Information on contracts realization for building sHPPs (www.gov.me)

competences the level of implementation and enforcement of the water legislation is not adequate.

Management plans for two river basins has been prepared on the end of 2019, but not adopted yet. Clear actions in this field are still missing.

The construction of sewerage networks and wastewater treatment plants is being delayed.

An effective monitoring and enforcement system is not established.

Measures to eliminate the pollution of inland surface waters, territorial waters and internal coastal waters by dangerous substances are not taken.

WWTPs are missing for many municipalities while existing ones, e.g. in Podgorica, do not correspond either with capacity or technology standards.

CHALLENGES

Administrative capacity in the water sector at the state and local levels is not powerful enough to respond to the challenge of an efficient process of harmonization of national legislation with the EU Acquis and a financial framework for their development is not established.

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

Mini hydropower plants are mostly constructed without adequate hydro potential analysis. There is no strategic document for the development of small hydro power plants that defines clear guidelines, but the decision-making was based on the interest of investors for space, which permanently degrades natural resources. The question arises as to how this plan assesses the ecological capacity of the area, bearing in mind that adequate data on environmental segments are missing.

Due to all these reasons, construction of small hydro power plants is by the rule followed by huge resistance of the local communities, CSOs and public. Lack of information and absence of consultations with local community and inadequate analysis of data and hydropotentials, but also of the environmental impact, make problems in implementation of these projects. This problem can be illustrated in two recent cases. Namely, even though the case of the small power plant construction on Ljestanica river in Bijelo Polje Municipality has been followed by resistance of the local community and various breaches of the procedures for carrying out public debate, incorrect application of substantial law and incomplete fact sheet since the very beginning, the Agency for Nature and Environment has nevertheless issued the ecological permit on EIA for construction

of this small hydropower plant. However, after complaint of the NGO Green Home, the Ministry of Sustainable Development and Tourism annulled this permit and ordered to repeat the procedure.

The second case is linked with the ongoing construction of small hydropower plant on the water stream Crnja, Municipality of Kolasin, which is also followed by the great resistance of the public. Namely, works on this plant started in summer 2020, while the ecological permit was issued 10 years ago on the basis of bad EIA. The project has not been realized since then, and in the meantime the area where the small hydropower plant is planned, has been pronounced as protected area – Nature Park Komovi, whereby all environmental and economic parameters have been significantly changed.

Montenegro is not working on the preparation of the Marine Strategy.

Monitoring of surface waters often does not follow the needs for monitoring of environmental protection, which should be its integral part.

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

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

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

The largest sources of pollution of surface and groundwater are communal wastewater, which are mostly released in water, in a concentrated or diffused manner, mainly in the untreated form.

The policy and practice in the area of flood protection is not focused on technical and constructive measures for the regulation of water bodies. The measures needed for adequate flood protection are missing or insufficient. The adoption of measures has not been harmonized with the mitigation of climate change.

At 134th Governmental session, held on 12th September 2019, the Government reached a decision to amend the composition of the Montenegrin Commission for water management cooperation with Albania. Representative of the NGO Green Home, was appointed a member of the Commission. Discussion on this item of the agenda stressed that the competent authorities of Albania did not respond in a timely, adequate or substantiated manner to Montenegro's requests for a statement on the possible transboundary impact of the small hydro power plant project on the Cijevna River in Albania. It was decided that Montenegro, while continuing to foster friendly and neighbourly relations as one of the foundations of its foreign policy, will additionally initiate all available mechanisms defined by international conventions, directives and protocols that are binding for all signatory states of these international acts and which clearly regulate international water management. It was concluded that this topic will be

updated at the forthcoming session of the Montenegro-Albania Interstate Commission for Water Management Cooperation, which is scheduled for 19 September 2019.

During 2020, work of committee has been continued in order to collect additional data, discuss an issue of potential construction of small hydropower plants on the river Cijevna, and their impact on surface and groundwater in Montenegro.

The Committee for the Implementation of the Water Convention will organize a joint meeting on 14 and 15 December 2020, in Geneva, with the presence of representatives of the Albanian and Montenegrin Commissions.

KEY RECOMMENDATION

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

Respect the objectives of the Water Management Strategy 2016-2035 and to adopt the Water management basis, whose obligation arises from the Law on Waters, as soon as possible.

Accelerate the dynamics of setting goals and indicators for achieving good ecological status of the marine environment by the end of 2021.

Accelerate the dynamics of work for the adoption of the Strategy for the Protection of the Marine Environment by 2022 at the latest, the deadline of five years for the adoption of such a strategy is unjustified.

Accelerate the dynamics of adopting the initial assessment of the state of the marine ecosystem based on available data and the assessment of the ecological status of the marine environment in 2021.

Accelerate the dynamics of harmonization of the existing national annual Marine Environment Monitoring Program with the requirements of the Marine Strategy Framework Directive and the Programme of Measures for Achieving or Maintaining Good Environmental Status of the Marine Environment by 2022.

Urgently adopt River Basin Management Plans for the Danube and Adriatic basins by the end of 2020.

Work on preparation of hazard maps and flood risk maps.

Determine the criteria for designation of vulnerable areas.

Establish a registry of protected areas, to harmonize the monitoring with WFD requirements, to define the ecological and chemical status and objectives for surface waters and for groundwater, to define the program on required measures.

Improve a network of measuring stations and monitoring of groundwater.

Monitor the nitrate concentrations in surface and groundwater.

Enable the operative Water Information System.

Provide access to water for all citizens.

Replace the existing water supply distribution network throughout the whole of Montenegro Example are the system in Cetinje²⁰ and Kotor²¹

Construct a sewage network and the connection of the population to it.

Construct a missing municipal wastewater treatment plant, starting with cities with a large number of inhabitants (Podgorica) to smaller towns.

Accelerate the work on the construction of the communal infrastructure that has been started, with the correct selection of the contractor and the respect of time limits.

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

Urgently provide conditions for strengthening the administrative capacities, knowledge and skills of professional staff in institutions that are crucial for the integration and transposition of EU Acquis on water management, as well as for their implementation.

It is necessary to fully implement the existing legislation and improve the inspection supervision on the whole state's territory, as well as at national and at the local levels. It is necessary to improve control especially in the part of water exploitation for the construction of hydro power plants, water pollution, construction on the banks of the river, preservation of wetland habitats. The future development of a mini hydro power plant should be in line with EU practice. Continue with the control of the exploitation of sand and gravel.

Prosecuting and indiscriminately punishment in the cases of water violations is necessary.

Flood protection should be based on the integration of nature based solutions in water management. According to that it is necessary to suspend plans and project solutions which contributed to the destruction of the Tara river, Grnčar in Plav.

²⁰

<http://www.cetinje.me/cetinje/cms/public/image/uploads/staro/doc/2018/Sekretarijati,%20direkcije%20i%20sluzbe/Skupstinska%20sluzba/05/03052018/03052018%20dluka%20o%20davanju%20saglasnosti%20na%20Program%20rada%20D00%20Vodovod%20i%20kanalizacija-%20Cetinje%20za%202018.%20godinu.pdf>

²¹ <https://investitor.me/2020/08/03/najskuplju-vodu-placaju-domacinstva-iz-kotora/>

The integration of Habitats Directive and Bird's Directive in water management is necessary for the establishment and management of the future NATURA 2000 network.

It is necessary to further promote public participation in the development of public policies in the Water Resource Sector. Public consultations should provide more opportunities than the legal minimum. Engagement of stakeholders should begin at an early stage in the development of public policies. Organize the public consultations regarding implementation of the activities related to the issuing the permits for exploitation of sand and gravel.

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

Improve the control and mitigation of key hazards: poorly planned small hydropower plants that are being built intensively, gravel extraction, pollution, uncontrolled use of underground waters, illegal construction on the river banks - river habitats, swamps, and water resources are in general very vulnerable in Montenegro. Immediate action at the national level is required.

V NATURE PROTECTION

In the field of nature protection, from October 2019 until September 2020, progress in harmonization with EU Acquis has not been achieved.

Regards implementation part, the progress regarding increasing the percentage of protected areas has been achieved. Government adopted the Decision on the proclamation of the Nature park of the "River Zeta valleys". However, designation of new protected areas is not accompanied by securing adequate management capacities. Majorities of protected areas proclaimed in the last five years are still "paper parks" with no proclaimed managers or not developed and adopted management plans (MPs). Currently, PAs are faced with insufficient capacity for dealing with all the aspects of environmental management.

Ulcinj Salina has been protected in 2019 as Nature Park and listed on the Ramsar List of Wetlands of International Importance. A five-years Management plan has been prepared by Working Group established by Municipality of Ulcinj .

The transformation of the National Parks into a business company is questionable.

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

Work on established NATURA 2000 network was continued.

Nagoya Protocol is ratified.

It is necessary to work on the establishment of marine protected areas while ensuring in the meantime that marine species are protected, from different possible negative impact during seismic surveys for oil and gas exploration.

It is necessary to eliminate different solutions from existing regulations, work on integration of biodiversity policy into sectoral policies, strengthen the system for management of protected areas at the national park level and establish a management system for protected areas for which management the local self-government is responsible.

It is urgent to prevent possible negative environmental impacts of building construction in the Skadar Lake National park and on Tara River in the context of the Bar-Boljare highway development.

Respecting the procedures for constructing of small hydropower plants.

Report on implementation of National Strategy on Biodiversity has not been adopted.

National Strategy on Biodiversity is valid until 2020. The new Strategy has not been prepared.

OVERVIEW AND THE ASSESSMENT GRID

In the field of Nature protection in the reporting period, the Draft Law on Game and Hunting is prepared, and it is in Parliamentary procedure. This Draft Law transposed Regulation of the Council No. 3254/91.

Parliament of Montenegro ratified Nagoya protocol.

DSIP for Directive 83/129 concerning the importation into Member States of skins of certain seal pups and products derived therefrom has not been prepared.

Capacity building for implementation of Regulation No.1007/2009 has not been realized.

DSIPs for Regulation No. 995/2010/EU, Regulation No. 363/2012/EU and Regulation No. 607/2012 have to be prepared. The implementation of this part of the EU Acquis Report on implementation of the Action Plan for the Prevention of Illegal Activities in Forestry is prepared and adopted by the Government.²²

Establishing the Natura 2000 network is continued. Through three projects during 2019, a total of about 11% of the territory of Montenegro was mapped in accordance with the Habitats Directive, and field work was implemented in accordance with the Birds

²² Third Report of NEAS implementation for period July-December 2019

Directive. The achieved results in these three projects, together with the results achieved within the previously implemented IPA 2016 project "Establishment of Nature 2000", have so far mapped a total of about 25% of the territory of Montenegro in accordance with the Habitats Directive. The state Field work activities on the establishment and identification of Natura 2000 sites in 2019 have been completed and verification and final data processing is underway. Budget for 2020 provided funds for the continuation of field work and the implementation of activities for the further establishment and identification of Natura 2000 sites, which will be coordinated by the Nature and Environmental Protection Agency.²³

The Government of Montenegro is responsible for the final establishment of the ecologic network, based on the declaration act. The act needs to determine ecological network areas with the borders for each individual area, data on target species and habitats, the name of the manager, as well as the general measures for protection and conservation of the ecological network area. The adopted declaration act by the Government will be published in the "Official Gazette of Montenegro"

Challenges related to the establishment of NATURA 2000 are associated with limited human resources capacities in government institutions at the national and local level in terms of the number of officials and experts dealing with this topic.

The Nature and Environmental Protection Agency (**NEPA**) **has the authority to propose areas of the ecological network** with borders and with data regarding target species and habitats. According to the National Strategy with Action Plan for Transposition, Implementation and Enforcement of the EU Acquis on Environment and Climate Change (NEAS, 2016-2020) national Decree on the ecologic network will be adopted by 2020²⁴ or by the date of the accession.

Pursuant to the NEAS, the obligations regarding the Directive of the Council 1999/22, Regulation of the Council No. 2173/2005, Regulation of the Commission No. 1024/2008, Regulation No. 995/2010, Regulation of the Commission No. 363/2012, Regulation of the Commission No. 607/2012 has not been realized.²⁵

In the reporting period, the Decision on the amendment of Decision on the amount and manner of calculation and payment of fees for use of goods of national parks was adopted. Recategorization of protected areas was not done, which was a legal obligation. Many

²³ "Establishment of the Natura 2000 network" coordinated by NEPA and financed from the state budget; "Conservation and sustainable use of biodiversity in the areas of Prespa, Ohrid and Skadar Lake" funded by the Government of Germany, and implemented by GIZ and NEPA within which Skadar Lake is mapped; "Promoting the management of protected areas through integrated protection of marine and coastal ecosystems in the coastal area of Montenegro" coordinated by the Ministry of Sustainable Development and Tourism.

²⁴ Adopt national Decision on the ecological network by 2020 (see transposition table XXXVIII, measure 156)

²⁵ Third Report of NEAS implementation for period July-December 2019

protected areas have lost the characteristics for which they were protected. IUCN protected area management category II almost does not exist.

A joint UNESCO and IUCN advisory mission visited the natural asset World Heritage "Durmitor National Park" in the period from October 31th until November 1st 2019. Montenegro has prepared a National Report under the UNESCO Convention on the topic "State of preservation of NP Durmitor" which was submitted to the Secretariat of the Convention.

RATIONALE

Success in implementation of the EU Acquis in the field of nature protection largely depends on mutual cooperation between the environment protection sector and other relevant sectors (spatial planning, agriculture, rural development, forestry, hunting, etc.). Planning and implementation of activities in the nature protection sector will require extensive consultation and communication with a wide range of stakeholders and non-governmental organizations for effective implementation.

In this field, better inspection control as well as enforcement of penalties (based on Criminal Law) is required. It is urgent to establish an efficient system with general protection for the important habitats, plant and animal species, preventing and stopping illegal and damaging activities causing unsustainable exploitation of natural resources.

At the 5th International Conference for the Protection of Ulcinj Salina it is concluded that ecological degradation of Salina is a fact, the process of protection of this area is extremely slow and that everything has to happen faster due to evident ecological destruction. It was also pointed out the question of Salina's land ownership, which is very problematic and it is recommended to find a way of not being an obstacle.

Ulcinj Salina has been protected in 2019 as Nature Park and listed on the Ramsar List of Wetlands of International Importance. A five-years Management plan has been prepared. The Municipality Ulcinj is obliged to manage this protected area but there are no financial and human resources for that. PE National Parks of Montenegro will manage this area until August 2021. PENPM is obliged to prepare the one year management program for this area until the end of October 2020. Although hunting is banned in this area it is still present.

The Tara River is much damaged by Bar-Boljare highway construction. The construction of the highway had a large negative impact on the protected Tara river. The landscape was completely changed. Part of the construction waste was deposited on the river's banks and polluted the river. Untreated wastewaters from landfills' sites on some locations are also polluters. UNESCO noted the severe impacts on the Tara riverbed from the construction of a new motorway crossing located upstream of the property, expressing its concern about potential downstream impacts, and thus also requests the State Party to carefully assess any impacts on the Outstanding Universal Value (OUV) of

the property, including on the endangered Danube salmon, and to submit the findings to the World Heritage Centre for review by IUCN.

There is also a lack of supervision by the Forest Administration on the work of the concessionaire. The lack of the wood marking system is evident. With the lack of adequate biodiversity monitoring at the state level, it could be concluded that management, spatial planning, urbanization and protection measures are based on modest data, which are the cause of the unsatisfactory scope of monitoring programs, inadequate methodology, so decisions based on such data are problematic.

Problems may also be the provisions of the Law on Concessions that do not prescribe the obligation to seek opinions or information on the status of protection of the area. This confirms the inconsistency of other laws related to the use of natural resources with the Law on Nature Protection. The challenge may also be the compatibility of planning and integration of nature protection measures in other sectoral plans and policies. The main tools used for mainstreaming biodiversity in other sectoral strategies, policies and plans are impacts assessments – both at the level of strategies and plans (Strategic Environmental Assessments or SEA) and on project level (Environmental Impact Assessment or EIA). Also, Appropriate Assessment (AA) is so important for biodiversity and habitats conservation. An AA is necessary to determine the potential effects of a plan or project upon the integrity of a Natura 2000 site. Specifically, it should provide and analyze sufficient information to allow a competent authority to ascertain whether the plan or project will not adversely affect the site's integrity.

A long-term program for biodiversity research has not been developed. The available funds for the implementation of the biodiversity monitoring program as well as the number of covered areas are varying by each year. For 2020 the amount of 60.000 € is allocated²⁶ and in 2019 the amount of 55.000 € was allocated.

CHALLENGES

There is a serious lack of qualified administrative capacities in the MSDT and NEPA for transposition and implementation of domestic legislation concerning nature protection. Demotivation and lack of professionalism is a real challenge. There is not clear vision and implementation goals which are set-up with different strategic documents often incompatible with each other. Reliance on temporary staff and trainees, high turnover of staff is worrying especially in relation to the overall capacity of key institutions that need to ensure the effective implementation and enforcement of the Acquis.

Protected area management plans, which are often inconsistent with the principles of nature protection, lead to the loss of biodiversity in areas which are extremely important to nature conservation. There is continuation of the negative practice of destroying natural habitats by illegal construction of tourist and other facilities in protected areas,

²⁶ Programme of environmental monitoring for 2020

as well as the implementation of intensive logging in certain areas. Clear-cutting, especially that which has been carried out in protected areas, sometimes even within the strictest protection areas, is particularly dangerous for nature. Managers of protected areas do not have sufficient capacity to implement protection measures; they lack not only adequate financial support for satisfactory functioning but also adequate control over the work performed by competent authorities, and often carry out illegal activities on their own. Management of protected areas mainly generates revenues by using the natural resources of the area whose protection it should provide.

The biggest problem in conservation of important habitats and species is non-transparent and inadequate planning of small hydropower plants and other facilities in protected areas, whose construction often does not meet biological minimum standards and disturbs the natural balance of already disturbed natural ecosystems.

The main cause of this problem is poor planning documents, inadequate implementation of the Strategic Environmental Assessment Process and Environmental Impact Assessment as well as political pressure. The cumulative impact of these projects being carried out poses a particular danger to nature which, in the impact assessment studies of these projects, is stated in principle and not assessed in practice.

The challenge of establishing marine protected areas will be reflected, in addition to political will and in terms of administrative capacity and financial allocations for their protection and management. The PE “Morsko dobro” and inspection services do not have adequate equipment. The PE “Morsko dobro” according to the Law is not allowed to perform inspection controls and has no protection service.

Illegal hunting of wild animals, especially birds (most often by prohibited means), has been recognized as a problem. The reason for this is the inconsistency of the law, ignorance and disregard of the law, insufficient control of hunting by the competent institutions, lack of capacities in police and inspection services, as well as the absence of punishment for perpetrators of committed crimes.

Limited financial resources in the relevant ministries and administrative bodies remain a matter of concern, especially with regard to the overall capacity of these institutions in order to ensure the effective implementation and enforcement of the Acquis.

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

The Draft Spatial plan for Special Purpose for Skadar Lake was withdrawn from the Parliamentary procedure in September 2018. And there have been no new developments regarding revisions to or replacement for the Spatial Plan for NP Skadar Lake, as previously committed to by the Montenegrin authorities. Informal Citizens group from

Virpazar sent the Report to the Secretariat of the Bern Convention and EU delegation in Montenegro and point out that:

1. As the highest priority, the development and delivery of a new spatial plan for the National Park, as previously committed to by the Montenegrin authorities. There are clearly resources available to fund such action immediately when we see that, for example, new border crossing infrastructure is under development. Therefore, it is our position that the delivery of a new spatial plan is being *intentionally* delayed by the Montenegrin government in order to continue unsustainable land development for private sector profit under the current SLS Mihalovici.

2. Abandoning SLS Mihalovici entirely (currently valid until 2020) and, in the light of current evidence, **revoking all building permits for Porto Skadar Lake and White Village.** This will ensure that most of the Recommendations 201 are respected. It will send a strong message that sustainable development and conservation takes priority over private sector profit.

3. Ensuring that the new Spatial Plan is rezoned according to Recommendations 201, the Shore Functionality Index study and recent biodiversity mapping.

- a. Zone I and II with their buffer zones be treated as nature reserves and fully protected from **ANY** developments.
 - b. any further new tourist developments be sustainable, based in areas that are already currently occupied, be of small scale, and be eco and village tourism based. This as per 3.4.2 Recommendations for Montenegro (page 66 of SFI Study).
 - c. existing road infrastructure is maintained and not upgraded. We maintain that the new motorway route (Bar-Boljare) over Rijeka Crnojevica should be abandoned, and a more sustainable/less damaging alternative is found.
 - d. waterways follow Recommendations 201.
2. **4. Protection as a priority.** Finally, initiate and establish efficient and effective methods of monitoring implementation of existing laws, executed in a manner that is visible on the lake.

RECOMMENDATIONS

Prior to establishing Natura 2000 legal framework should be entirely harmonized. As to enforce implementation of the Law on Nature Protection and enable full transposition of the Council Directive 92/43/EEC (Habitats) and Directive 2009/147/EC (Wild birds), it is necessary to **prepare and adopt a number of implementing acts.**

Adopt a numerous by-laws according to the Law on Nature Protection, Law on Alien and Invasive Alien Species of plants, animals and fungi, **Law on Wildlife and Hunting**, Law on Forests and Law on the Protection of Animal Welfare which further transpose the Habitats Directive, the Wild Birds Directive, the Zoo Directive, the Leg-hold Traps Regulation, the Directive on imports of seals and its derivatives, the Regulation of the

European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species, the Regulation on the trade in marine mammals from the Pinnipedia sub-division, the CITES Regulations and the FLEGT Directive and Regulation.

Base for preparation of the future SPAs and pSCI lists should be updated with additional research at the same time building capacities of local authorities and other PA managers to develop skills and understanding for future management.

Prepare the **act on the ecological network** with the borders for each site, information on the target species and habitats, managers of each site, as well as measures of protection and conservation of the ecological network with a timeline for adoption until 2020, according to the NEAS.

Accelerate work on preparation and adoption of management plans for protected areas proclaimed in the last five years. Significantly improve the capacity of PAs managers for dealing with all the aspects of environmental management.

Systematic and coordinated work on the establishment of the NATURA 2000 network. Strengthen capacities of the governmental and non-governmental sectors. Involve stakeholders and the civil sector in the activities of establishing the NATURA 2000 network. Strengthen cooperation with other sectors (agriculture, forestry, hunting, transport, energy).

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

Stop further forest devastation by establishing forest reserves that will preserve untouched habitats before establishing the Natura 2000 network and entering into the European Union.

Adopt the **Strategy for invasive species management.** Suspend any further illegal and unprofessional flow of water bodies.

Bring **plans for conservation of wetland habitats** taking into account the threats they are exposed to (Skadar Lake, Tivat Salina and Ulcinj Salina), and considering their importance in ecological interactions, as well as the influence on conservation of many native species.

For the construction of **hydro-accumulations and dams,** it is necessary to start making **serious biological studies and socio-economic analyzes** with a mandatory environmental impact assessment and estimated cumulative effects.

Review the decision and determine the degree of respect of the public interest in the **transformation of National Parks** from a public company into a limited liability company, since this modality allows the privatization of the most valuable areas, and the

interest of nature protection is subordinated by the interest of securing economic sustainability. Determine the boundaries of protected areas and enter them into the Real Estate Cadastre to avoid arbitrary interpretation and inadequate enforcement in practice.

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

Establish **marine protected areas**.

Effective combat with illegal hunting is needed, as well as a significant improvement of the legal framework in the hunting sector. This particularly refers to the deletion of certain endangered species from the hunting list, as well as to harmonize hunting seasons with periods of reproduction.²⁷

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

Ensure a **clear division of responsibilities and competencies** in the field of nature protection and establish the coordination mechanism between the competent institutions.

Ensure better involvement of local communities in the law preparing and implementing process.

Ensure marking of the boundaries of protected areas and register them in the real estate cadastre in order to avoid arbitrary interpretation and problems in practice.

Begin the process of criminal prosecution of persons who commit criminal offenses against the environment, with particular attention to the killing, illegal holding and cultivation of wild animals in captivity (the problem recently updated), in order to provide better living conditions for these individuals in one of the reception centers in the region (the possibility provided by the Law on Nature Protection), as well as preventing the appearance of smuggled exotic species or the killing of native animals in order to take the cubs.

Start with capacity building of the police, the inspectorate, the prosecution and judiciary for the implementation of regulations related to the protection of species and habitats, in cooperation with professional organizations of civil society.

Work on **cross-sectoral cooperation** in the process of processing all criminal offenses against the environment, with monitoring of the dynamics of the prosecution.

Harmonize regulations in the field of nature conservation with other laws and fields concerning nature conservation.

²⁷ Analysis of legal framework in the field of hunting in Montenegro (NGO Green Home)

Ensure regular and adequate reporting under the international conventions (especially CBD, Ramsar, UNESCO, Bern, CITES) in the field of nature conservation that are ratified by Montenegro which will also contribute to the improvement of biodiversity monitoring in general, modernization of data collection and improvement of the use of GIS technology.

Improve activities for the preparation of a **database on biodiversity and habitat and species distribution in GIS** based on the implemented comprehensive monitoring program, in accordance with the requirements of the Acquis Communautaire.

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

Start with contribution to the **integration of protection measures**/establishment of temporary protection of significant areas (EMERALD, IPA, IBA, potential SPA areas) until the establishment of the ecological network NATURA 2000.

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

Intensify activities on the establishment of protected areas in the sea and the conservation of marine species.

Assess the cumulative effects of SHPP construction due to the large number of planned facilities that will directly or indirectly affect important areas of biodiversity.

Work on preparation of serious biological studies and socio-economic analyzes with the obligatory assessment of the impact on the environment respecting the principles of nature protection and conservation.

Protected areas management plans should contain **concrete measures of protection** with adequate provision of budgetary allocations for their implementation. It is also necessary to continuously monitor the trends of endangered species and to create **Action Plans** whose implementation would lead to recovery of certain populations.

Nature protection, especially in natural protected areas, **must take over economic interests**.

Provide financial resources for the implementation of nature protection activities, beginning with the monitoring of biodiversity, establishment of data management system, determination of protected area managers until establishment of NATURA 2000 network. The disadvantages are particularly pronounced in protected areas managed by local government units due to the lack of administrative and financial capacities.

In spatial planning procedures and procedures of SEA on spatial plans, it is essential to take into account existing data for the establishment of the NATURA 2000 network, the

EMERALD sites, and to intensify the further application of the Habitat Directive and the Bird Directive for adoption of the most optimal solutions for future use of space.

Before the adoption of the Spatial Plan of Montenegro, it is necessary to **finish the mapping of the NATURA 2000 sites**.

New construction zones have to be located in the least environmentally vulnerable space.

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

Administrative capacities both at the national and local level will **have to be significantly strengthened**.

It is necessary that all local governments prepare a Local Action Plan for Biodiversity and seriously work on their implementations.

VI INDUSTRIAL POLLUTION AND RISK MANAGEMENT

In the period from October 2019 until September 2020 progress in transposition of Directive on Industrial Emissions 2010/75 has been achieved by adopting the by-laws.

Inspection controls the SEVESO's objects permanently.

The challenge is issuing IPPC permits and solving the hazard waste issue. It is necessary to work on introducing new technologies, sustainable financing for the implementation of activities in order to fulfill obligations from the EU Acquis, strengthening administrative and institutional capacities. It is necessary to work on the implementation of EMAS and eco-labeling. The risk is potential environmental pollution caused by accidents.

Establishing a PRTR Register in accordance with Regulation No.166/2006 has not been realized yet.

OVERVIEW AND THE ASSESSMENT GRID

In the field of industrial pollution, the Government of Montenegro, at the 142th Session, adopted the Regulation on types of activities and plants for which it is necessary to issue integrated permits.

In July 2020 IPPC permit for „FAB LIVE " Company is expired.²⁸

In 2019 EPA issued the IPPC permit for the operator "TOSCELIK Alloyed Engineering Steel Ltd.", Nikšić.²⁹

²⁸ https://epa.org.me/wp-content/uploads/2019/01/dozvole_IPPC_sajt.pdf

²⁹ <http://www.epa.org.me/images/dozvole2019/1174-44.pdf>

In the reporting period, after issuing the IPPC permit for the Electric Power Industry of Montenegro, the activities in accordance with the program adjustment are underway. Tender procedure on Ecological Reconstruction of block I of TPP "Pljevlja" was conducted and contract was signed with the consortia Dec International-Bemax-BB Solar-Permonte.

Regarding the procedure for issuing the integrated license for the Aluminum Plant Podgorica in Bankruptcy (KAP in Bankruptcy), the Ministry of Sustainable Development and Tourism adopted a conclusion on the suspension of the procedure, pending the determination of the plant operator and obliged to obtain the integrated license.

NEPA received more than 100 notifications on Seveso facilities which are submitted by the operator of the Seveso plants. The total number of SEVESO higher risk objects are six. In addition, three operators of higher-risk Seveso plants submitted to the NEPA a Safety Report and a Plan of Accident Protection for approval.

„Montenegro Industrial Waste Management and Cleanup Project" is ongoing. During 2019 it was working on sanitation at two hot spot locations in Municipality Pljevlja (Maljevac and Gradac).³⁰

RATIONALE

The implementation of regulations in this field is not satisfactory bearing in mind the delay in the deadlines for obtaining IPPC permits. Untreated industrial wastewater is a source of surface water pollution. There are no known quantities of hazardous waste. There is no hazardous waste landfill but only temporary storage, after which waste is exported in accordance with the Basel Convention. There is no recycling of the battery and it is not known where it is disposed. No hazardous waste from companies that no longer work. BAT-BREF principles have not been established.

Information about State's monitoring has not been adopted yet.

CHALLENGES

Seveso directive has been transposed but implementation is a challenge. Enforcement of Seveso Directive needs the establishment of a coordination unit since the jurisdiction is divided between MSDT and the Ministry of Internal Affairs (MIA).

The enforcement of regulations in this field is not satisfactory bearing in mind the delay in the deadlines for obtaining IPPC permits, as well as reports that companies are obliged to deliver according to IPPC permits. It is important to highlight that those reports are not publicly available.

Most hazardous wastes are classified into non-hazardous waste.

The EMAS system has not been established and eco-labelling isn't still being implemented.

³⁰ Information about project realization (www.gov.me)

There are no known quantities of hazardous waste. There is no hazardous waste landfill but only temporary storage, after which waste is exported in accordance with the Basel Convention.

There is no recycling of the battery and it is not known where it is disposed.

BAT-BREF principles have not been established.

For establishing a pollutant registry, the biggest challenge is limited resources of NEPA both the human and financial capacities.

KEY RECOMMENDATIONS

Provide an effective and non-selective enforcement of the current Law on Industrial Emissions.

For installations for which the obligation to obtain IPPC permits has been identified, continuous monitoring by the Administration for Inspection Affairs is needed. Additionally, it is important to provide access to the public for all reports related to IPPC permits and obligations.

It is necessary to establish an online register of pollutants with emission data, which will be available to the public in real time in accordance with the requirements of EU regulations on E-PRTR and PRTR.

Solve the problem of future quantities of industrial waste through transparent processes, through the public debates and consultation, since it is a hazardous waste, and that some of the earlier solutions as locations were predicted by the urban settlements.

Work on the implementation of the Industrial Emission Directive, the establishment and implementation of the BAT (best available techniques) principles.

In order to implement the SEVESO Directive, it is necessary to clearly specify the competencies of different sectors and to work on the identification of these plants.

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

Increased supervision by the Directorate for Inspection Affairs is required for the TPP Pljevlja plant regarding the obligation to obtain a new IPPC permit due to ecological reconstruction.

Create preconditions for enforcement of the EMAS mechanism and the ECO labeling system.

VII CHEMICALS

In the field of chemicals, in period from October 2019 until September 2020 a limited progress has been achieved by adopting the new by-laws. In the same period there was significant progress in implementation of National Strategy for Chemical Management for the period 2019-2022.

Establishment of a Center for the Control of Poisoning has not been realized yet.

Register in accordance with REACH Regulation has not been established.

Safe chemical management in this area remains a challenge due to the complicated procedures, lack of capacity and expertise in this area for the preparation and delivery of a dossier for the identification of dangerous substances. Establishment of the Chemicals Registry in the format prescribed by the EU and the Register of biocides products remains the challenge.

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

OVERVIEW AND THE ASSESSMENT GRID

In the field of chemicals there is no progress in further alignment with the Regulation No. 850/2004, Regulation 2017/852 and Regulation 1272/2008.

Without session³¹, on 09th April 2020 Government has adopted the Report on Implementation of the National Strategy for Chemical Management. According to that Report, during 2019 17 of 21 measures or 81 % are implemented, 3 measures or 14% are partly implemented and 1 measure or 5% is not implemented.

On the basis of the Law on Biocidal Products, Ministry on Sustainable Development and Tourism adopted Rulebook on the content of the technical dossier and basic data on the biocide, which fully transposed Annexes II and III of the Regulation (EU) No. 528/2012. On the basis of the Law on Plant Protection Products ("Official Gazette of Montenegro", No. 051/08, 040/11, 018/14) the 4 Programs, 4 regulations, the Annual Plan of Official Controls until April 2020 and the Report on the implementation of the National Sustainable Plan use of plant protection products for 2018 are adopted.

On the basis on the Law on Plant Nutrients ("Official Gazette of the Republic of Montenegro", No. 048/07, Official Gazette of Montenegro ", No. 076/08, 073/10, 040/11, 030/17, 043/18) two programs were adopted.

During the reporting period, the Rulebook on determining the list of explosive substances that were may place on the market ("Official Gazette of Montenegro", No. 47/19) and the

³¹ In accordance with measures against COVID-19.

National Plan for Protection and Rescue from technical and technological accidents, and the Law on Amendments to the Law on transport of dangerous goods are adopted which further strengthened the protection system and rescue.

RATIONALE

The legislative framework created by the adoption of the Law on Chemicals and the Law on Biocidal Products and the relevant bylaws has established a modern chemicals management system, which is significantly harmonized with EU regulations.

In reporting period Nature and Environment Protection Agency issued 521 import permits³², but the information on the number of transit and export permits is not available.³³

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

One of the obligations of the Strategy was the establishment of a Center for the Control of Poisoning, within the Clinical Center of Montenegro, which was not realized.

CHALLENGES

Identifying sites that are contaminated with PCB substances and the treatment of PCB waste is a challenge for institutions.

Evidence of the concentration of PAH released in power plants is not available.

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

A system for controlling the collection, storage and export of metal mercury and keeping records has not been established.

Center for the control of chemical poisoning has not been established.

The challenge is implementation of the Asbestos Directive. The distribution water supply network in most cities consists of asbestos-cement pipes. Disposal of construction waste containing asbestos is not regulated in an adequate manner.

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

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

³² https://epa.org.me/wp-content/uploads/2020/01/dozvole_hemikalije_uvoz_sajt.pdf

³³ <https://epa.org.me/dozvole-i-rjesenja/>

The division of competencies in this field requires good inter-sectoral cooperation.

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

The challenge is **establishment of the Chemicals Registry** in the format prescribed by the EU and the register of biocidal products that are placed on the market.

KEY RECOMMENDATIONS

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

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

Establish a register of biocidal products that are placed on the market.

Obtain evidence of polycyclic aromatic hydrocarbon (PAH) concentrations released in power plants.

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

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

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

Establish a Center for the control of chemical poisoning and establish a poisoning record.

Full transposition and implementation of Directive 2010/63/EU on the animal welfare used for scientific purposes.

Establish authorized laboratories for testing hazardous properties of chemicals in accordance with the principle of good laboratory practice.

Establish the mechanisms necessary for issuing certificates to laboratories for testing the toxicological and ecotoxicological properties of hazardous chemicals in accordance with Regulation (EC) 440/2008.

Strengthen cross-sectoral cooperation in this area.

Improve the POPs and PAH program monitoring in the environmental segments (soil, water, air).

Identify sites contaminated with PCBs.

Raise the capacity of customs officers to implement the Rotterdam Convention.

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

VIII NOISE

In period from October 2019 until September 2020 there is no progress in reporting period.

The obligation regarding the Preparation of strategic maps for main road is not realized.

In further period it is necessary to strengthen the cooperation between the responsible institutions on central level, strengthen the capacities of local self-governments and to provide sufficient budgetary resources for the preparation of strategic maps for the roads and at the local level. It is necessary to work on the preparation of Action Plans.

OVERVIEW AND THE ASSESSMENT GRID

In the period from October 2019 until September 2020 there is no progress in the reporting period.

The obligation regarding the Preparation of strategic maps for main roads is not realized. The IPA Project for financing of this activity is prepared.

RATIONALE

The most important regulation in the noise sub-sector is the Noise Directive (2002/49/EC), which requires Member States to prepare and publish **Strategic Noise Maps** every 5 years (which includes noise assessment, noise reduction action plans for larger inhabited centers, road junctions and transport networks, and public information; a strategic noise map is part of the Chapter 27 recommendations relating to the approximation of European environmental standards.

Montenegro has largely harmonized legislation in this field, but implementation is limited. Strategic maps for two main roads managed by the state have not been prepared and the Action Plans have not been adopted. Realization of one round table is insufficient to raise awareness on noise protection for main roads. It is necessary to elaborate this activity more seriously and provide a precise and adequate amount of budget allocation.

CHALLENGES

Insufficient cooperation between competent state authorities postpones the implementation of regulations in the noise field.

Communal noise remains a major problem.

There is no public information system on the noise level.

KEY RECOMMENDATIONS

Prepare strategic maps for two main roads and action plans.

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

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

Work on raising public awareness in this area.

Provide a clear budget allocation with a stronger public awareness campaign on noise pollution (in cities, main roads, protected areas and sea routes).

Prepare the strategic map for highway Bar - Boljare.

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

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

Establish a system of measurement, reporting and online reporting to the public on the level of noise in the environment on a daily basis.

IX CIVIL PROTECTION

In period from October 2019 until September 2020 some progress has been achieved.

Parliament of Montenegro adopted the Law on Amendments on the Law on Transport of Dangerous Substances.

Plan for Flood Protection and Rescue and the National Plan for Protection and Rescue of Technical and Technological Accidents has been adopted.

In the implementation part, despite the number of projects that are in the implementation phase, there is a lack of a system for quick action in emergency situations. The equipment is missing and the existing one is obsolete and, often, unusable.

OVERVIEW AND THE ASSESSMENT GRID

In period from October 2019 until September 2020 some progress has been achieved.

Parliament of Montenegro adopted the Law on Amendments on the Law on Transport of Dangerous Substances.

At its session from 12th December 2019 Government adopted the National Plan for Flood Protection and Rescue and the National Plan for Protection and Rescue of Technical and Technological Accidents.

In the implementation part, despite the number of projects that are in the implementation phase, there is a lack of a system for quick action in emergency situations and adequate plans for fire and flood protection.

Report on implementation of National Strategy on Disaster Risk Reduction has not been adopted in the reporting period.

CHALLENGES

The main challenge in the civil protection field is reflected in the inadequate organization of the protection and rescue system, harmonization with the system, standards and good practice of the EU Member States, lack of technical and material resources, the need for professional training and improvement capacities of the operational units for protection and rescue. All disadvantages lead to untimely response to natural disasters and the risk of technical and technological accidents.

Regarding the flood protection, there is a lack of Risk Assessment Plans and flood readiness in most local government units.

The cooperation of the competent institutions is often lacking, operational readiness for immediate response, the ability to monitor the situation globally (situation in neighboring countries).

The configuration of the terrain in Montenegro, impact of global warming on climate, big drought, lack of capacity to carry out national risk assessment, implementation of risk management planning and assessment about possibility for risk management, as well as reporting to the European Commission in accordance with the commitments, can be identified as a problem.

KEY RECOMMENDATIONS

It is useful to make a connection with the Common Emergency Communication and Information System (CECIS) and needs to establish the Secure Trans European Services for Telematics connections between Administrations, as a precondition to connect to CECIS.

It is necessary to clearly share responsibilities, form a body responsible for coordination of activities, provide continuous financing, and improve working conditions and employee training.

Establish a National Training Center within the Ministry of Internal Affairs - the Directorate for Emergency Situations, for training, in addition to local, all state operational units and services that could be included in the segment of the response to natural and other disasters by their existence and actions trained according to a unified plan and training program in line with EU standards.

Establish an information system that would include **risk maps** that locate important infrastructure such as pathways for intervention and evacuation, medical institutions, schools.

Strengthen capacities in the prevention of natural risks, with particular reference to forest fires and to mitigate fire damage in the open space.

Establish an advanced **forest monitoring system**.

Establish a system of forecasts of a fire index at certain locations and an advanced system for simulating fire behavior, predicting fire intensity and calculating a fire index.

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

Work on the definition of preventive measures and activities that should be taken in cases of flooding.

Strengthen cross-sectoral cooperation and clear divided responsibilities. Form a body responsible for coordinating activities, provide continuous funding and improve working conditions and training of employees.

Work to fulfill obligations under the EU Civil Protection Mechanism.

Montenegro could contribute more to the Mechanism by registering experts or response capacities in the voluntary pool and participating regularly in the committees and working groups established under the Mechanism.

X CLIMATE CHANGE

In period from October 2019 until September 2020 progress is achieved in further alignment with EU Acquis Communautaire.

Parliament of Montenegro adopted the Law on Protection from negative impact of Climate Change.

On 20th May 2020 Government adopted the Plan on elimination the HCFC substances that Deplete the Ozone Layer.

On 30th July 2020 Government adopted the Third National Report on Climate Change.

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

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

OVERVIEW AND THE ASSESSMENT GRID

In the field of climate change, Parliament of Montenegro adopted a Law **on Protection from negative impact of Climate Change** which transposes the relevant EU Acquis.

Law is **partly harmonized** with:

1. Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other Information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC Text with EEA relevance, OJ L 165, 18.6.2013,
2. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council,
3. Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council,
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5. Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council Text with EEA relevance, OJ L181,12.7.2012,
6. Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council and amending

Commission Regulation (EU) No 601/2012 (Text with EEA relevance.)
C/2018/8588, OJ L 334, 31.12.2018,

7. Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council (Text with EEA relevance.) C/2018/8589, OJ L 334, 31.12.2018,
8. Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of information on fuel economy and CO₂ emissions in respect of the marketing of new passenger cars, OJ L 12, 18.1.2000,
9. Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (Text with EEA relevance), OJ L 140, 5.6.2009.
10. Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (Text with EEA relevance) PE/68/2017/REV/1, OJ L 115, 19.6.2018,
11. Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (Text with EEA relevance), PE/3/2018/REV/2, OJ L 156, 19.6.2018
12. Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (Text with EEA relevance), OJ L 275, 25.10.2003.
13. Directive 2008/101 which amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (Text with EEA relevance), OJ L 8, 13.1.2009.
14. Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community (Text with EEA relevance), OJ L 140, 5.6.2009.

15. Directive (EU) 2018/410 of the European Parliament and of the Council of 14 March 2018 amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments, and Decision (EU) 2015/1814 (Text with EEA relevance.), OJ L 76,19.3.2018.
16. Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (Text with EEA relevance), OJ L 286, 31.10.2009.
17. Commission Regulation (EU) No 744/2010 of 18 August 2010 amending Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer, with regard to the critical uses of halons Text with EEA relevance, OJ L 218,19.8.2010.
18. Commission Regulation (EU) No 1088/2013 of 4 November 2013 amending Regulation (EC) No 1005/2009 of the European Parliament and of the Council with regard to applications for import and export licences of products and equipment containing or relying on halons for critical uses In aircraft, OJ L 2
19. Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community (Text with EEA relevance), OJ L140, 5.6.2009.
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24. Commission Regulation (EU) 2017/605 of 29 March 2017 amending Annex VI to Regulation (EC) No 1005/2009 of the European Parliament and of the Council on

substances that deplete the ozone layer (Text with EEA relevance.), C/2017/1796, OJ L 84, 30.3.2017.

25. Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 Text with EEA relevance, OJ L150, 20.5.2014.
26. Commission Regulation (EC) No 1516/2007 of 19 December 2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases (Text with EEA relevance), OJ L335, 20.12.2007.
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28. Commission Implementing Regulation (EU) 2015/2068 of 17 November 2015 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, the format of labels for products and equipment containing fluorinated greenhouse gases (Text with EEA relevance), OJ L 301,18.11.2015.

Law is **fully harmonized with:**

1. Commission Directive 2003/73/EC of 24 July 2003 amending Annex III to Directive 1999/94/EC of the European Parliament and of the Council (Text with EEA relevance), OJ L186, 25.7.2003.
2. Commission Regulation (EU) No 291/2011 of 24 March 2011 on essential uses of controlled substances other than hydrochlorofluorocarbons for laboratory and analytical purposes in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer, OJ L 79, 25.3.2011.
3. Commission Regulation (EU) No 291/2011 of 24 March 2011 on essential uses of controlled substances other than hydrochlorofluorocarbons for laboratory and analytical purposes in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer, OJ L 79, 25.3.2011.

Plan on elimination of the HCFC substances that Deplete the Ozone Layer was adopted by the Government on 20th May 2020.

New inventory of GHG is prepared in 2019.

GHG emissions are expected to be decreased in 2030 from 3,321 Gg CO₂e, which is the amount according to the scenario "without measures", to 2,301 Gg CO₂e (including LULUCF³⁴). If LULUCF is not included, emissions would decrease from 3,519 to 2,499 Gg CO₂. According to this scenario, the target value from NDC 2030 is expected to be achieved.

RATIONALE

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

Slight progress has been made in implementing climate change mitigation measures or their adaptation, especially with regard to: administrative capacities, integration of climate measures into other sectors and cross-sectorial cooperation. A significant progress in implementation of measures has been rendered inoperative since the legal framework in this area is still developing.

CHALLENGES

Integrated planning development, decarbonization of the energy sector through increasing energy efficiency and participation of renewable energy sources (OIE), introduction of BAT-BREF (Best Available Techniques - Reference Document) standards that imply new, more stringent limit values regarding the emissions of pollutants don't exist.

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

The following shortcomings are evident in this field: insufficient and inadequate administrative and financial capacities, insufficient cooperation at both national and local level.

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

A systematic method of informing consumers about CO₂ emissions when buying new vehicles is not prescribed or established.

³⁴ The Regulation on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry

KEY RECOMMENDATIONS

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

Begin with implementation of national determined contribution, in line with the EU Framework for Climate and Energy Policies by 2030.

Establish a comprehensive and functional monitoring, reporting and verification system in accordance with Regulation (EU) No. 525/2013 on the mechanism for monitoring and reporting on GHG emissions and reporting on other data relevant to climate change at the national and European Union level (MMR).

Adopt the necessary by-laws based on the Law on Protection from negative impact of Climate Change.

Establish a system of data collection and data management.

Strengthen administrative and inter-institutional cooperation and conduct necessary training.

Employ the more persons in order to establish a comprehensive and functional system of monitoring, reporting and verification in accordance with Regulation (EU) no. 525/2013 on the mechanism for monitoring and reporting on GHG emissions and reporting on other data relevant to climate change at the national and EU level.

Strengthen financial capacity.

Establish a system of **clear division of responsibilities** and strengthen cross-sectoral cooperation.

Establish a **national register for the EU ETS**.

Establish a system of information on fuel consumption and CO₂ emissions when purchasing new cars.

Reduce GHG emissions primarily through: a general increase in energy efficiency, the advancement of industrial technologies (primarily in the metal industry), an increase in the share of energy from renewable sources in gross final energy consumption up to 33% and modernization in the energy production sector.

Introduce BAT-BREF technology in energy and industrial plants.

Define goals to reduce greenhouse gas and increase energy production from renewable resources and energy efficiency.

Establish a working group in accordance with the principles of public participation and start activities on development of integrated National Energy and Climate Plans (NECP) within a set timeframe; and enable adequate public participation in such processes.

Make GHG inventory data public, verifiable and easily accessible, in accordance with the national laws and assumed international obligations, such as the Aarhus Convention and the Paris Agreement.

Improve work on involvement of civil society organizations in the process of legislative and strategic development, thus ensuring widest possible public involvement and fair public debate process.

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7. Government of Montenegro, National Sustainable Development Strategy until 2030;
8. Government of Montenegro, National Strategy for Air Quality with the Action Plan;
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45. Report on Implementation of Action plan of Forestry Strategy,
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