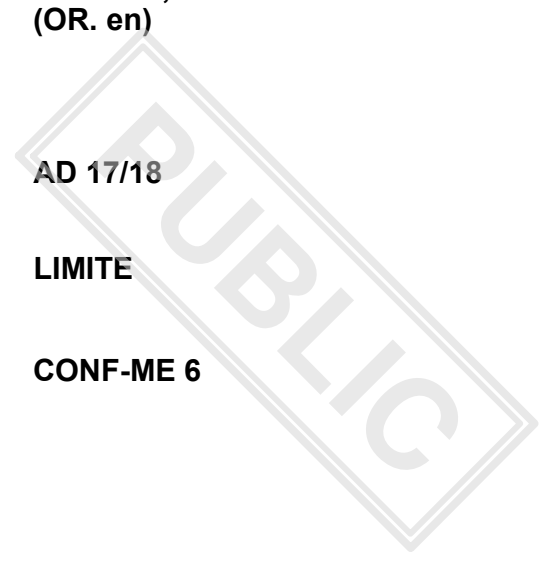


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LIMITE

CONF-ME 6



ACCESSION DOCUMENT

Subject: EUROPEAN UNION COMMON POSITION
Chapter 27 : Environment and climate change

EUROPEAN UNION COMMON POSITION

Chapter 27: Environment and climate change

This position of the European Union is based on its general position for the Accession Conference with Montenegro (CONF-ME 2/12), and is subject to the negotiating principles endorsed therein, in particular:

- Any view expressed by either party on a chapter of the negotiations will in no way prejudice the position, which may be taken on other chapters;
- Agreements – even partial agreements – reached during the course of the negotiations on chapters to be examined successively may not be considered as final until an overall agreement has been established;

As well as to the requirements set out in points 24, 28, 33, 41 and 44 of the Negotiating Framework.

The EU encourages Montenegro to continue the process of alignment with the *acquis* and the preparation for its effective implementation and enforcement and in general to develop, already before accession, policies and instruments as close as possible to those of the EU.

The EU encourages Montenegro to ensure that environmental protection requirements are integrated into the definition and implementation of other sectoral policies and that resource efficient, low emissions and climate-resilient development is promoted. The EU also points out that all new investments should already reflect national environmental legislation, in line with the *acquis*.

The EU notes that Montenegro, in its negotiating position CONF-ME 1/18, accepts the *acquis* under chapter 27 as in force on 8 February 2018, and declares that it will be ready to implement it from the date of its accession to the European Union with the exception of certain requests for transitional periods.

As an overall response to Montenegro's requests for transitional periods, the EU's assessment is that additional, detailed information will be required before the EU can take a position on them. The EU recalls its general negotiating position that transitional measures are exceptional, limited in time and scope, and accompanied by a plan with clearly defined stages for the application of the *acquis*. They must not involve amendments to the rules or policies of the EU, disrupt their proper functioning, or lead to undue distortion of competition. The EU takes note that Montenegro plans to adopt in 2018 and 2019 Directive Specific Implementation Plans (DSIPs) and underlines that it is a prerequisite for further work on the transitional periods.

The EU notes that Montenegro will report on a regular basis on the National Strategy and its related Action Plan for the transposition and implementation and enforcement of the EU *acquis* on environment and climate change.

Horizontal legislation

The EU takes note of the work made by Montenegro to further align its legislation with the *acquis* in this sector, including with environmental and strategic impact assessment directives (2011/92/EU amended by Directive 2014/52/EU and Directive 2001/42/EC) and Directive 2007/2/EC INSPIRE.

The EU notes that Montenegro will adopt a regulation on monitoring and reporting and has presented a plan on environmental inspections. The EU invites Montenegro to continue to work on achieving full alignment in these fields.

The EU underlines the need to further prepare for the effective implementation and enforcement of horizontal legislation, notably with respect to environmental crime (Directive 2008/99/EC) and liability (Directive 2004/35/CE), as well as establishing a track record of effective public participation and consultation in decision-making processes.

The EU invites Montenegro to continue strengthening its capacity building and training of human resources, also at regional and local level, in line with the National Strategy and its related Action Plan for the transposition and implementation and enforcement of the EU *acquis* on environment and climate change. The EU takes note of the setting up of the Agency for the Protection of Nature and the Environment (NEPA) in charge of implementation tasks, including monitoring, reporting and issuing permits. The EU underlines that Montenegro needs to ensure the independent functioning of the NEPA and invites Montenegro to provide it with more information on its working relations with the Ministry of Sustainable Development, especially in what concerns the issuing of environmental permits. The EU underlines the importance of providing credible financial planning for the future implementation of the *acquis*. The EU invites Montenegro to participate actively in existing EU environmental enforcement networks.

Air quality

The EU takes note of the work done by Montenegro to further align its legislation with the *acquis* in the field of air quality, including with the most recent directive on sulphur content of certain liquid fuels (Directive 2016/802). The EU notes the adoption of the National Strategy for Air Quality Management with Action Plans for 2017-2020 and encourages Montenegro to enhance national work to reduce emissions from main sources like domestic solid fuel combustion, transport and energy production.

The EU notes that Montenegro intends to further align its legislation with Directive 2008/50/EC on ambient air quality and cleaner air for Europe and Fourth Daughter Directive 2004/107/EC. The EU underlines the need to enhance the preparation for the implementation of the *acquis*, including taking measures to gradually reduce pollution, along the limit values for certain pollutants set by the *acquis*. The EU takes note of the Air Quality Plans prepared for the cities of Pljevlja, Nikšić and Podgorica. Montenegro is encouraged to give priority to the implementation of these plans, and, if necessary, to update the plans to ensure that the exceedance of EU standards will be as short as possible. The EU invites Montenegro to provide detailed information on the agglomerations in the Northern and Southern critical air zones, the current level of particulate matter PM10 and nitrogen oxides in ambient air for all these agglomerations as well as including financial information with sources of financing. Yearly reduction measures should be taken to meet the limit values.

The EU notes the progress made on air quality monitoring and that Montenegro will upgrade its air quality monitoring system. The EU encourages Montenegro to maintain as a high priority the need to monitor and assess air quality in line with the requirements set in the Air Quality Directives, including the one on information to the public.

The EU notes that alignment with the directive on the reduction of national emissions of certain atmospheric pollutants (NEC Directive 2016/2284/EU) is still pending and encourages Montenegro to give priority to this, noting that Montenegro is not reporting its emissions on an annual basis to the LRTAP Convention. As part of aligning with the NEC Directive, Montenegro is requested to present an updated analysis of cost-effective emission control strategies for 2020 and 2030 in order to justify the adequacy of Montenegro's reduction commitment for the main air pollutants regulated by the NEC Directive. The analyses should also serve for the National Air Pollution Control Programme planned for 2019 by Montenegro, setting direction for actions to reduce emissions towards 2020 and 2030.

The EU takes note of Montenegro's request for a transitional period until 31 December 2027, for the full implementation of Article 13(1) of Directive 2008/50/EC on ambient air quality and cleaner air for Europe, in what concerns the application of limit values for suspended particles of PM10 for the Northern critical air quality zone, and the Southern critical zone.

Waste management

The EU takes note of Montenegro's work to align its legislation in this sector, including the adoption of the Law on Waste Management, the National Strategy of Waste Management in Montenegro until 2030 and the National Plan on Waste Management in Montenegro 2015-2020. The EU encourages Montenegro to pursue work on legislative alignment and preparation for the timely implementation of the *acquis*, in particular as regards landfills, management of special waste streams and extended producer responsibility.

In order to do so, Montenegro is invited to further clarify the structure of its waste management system and to dedicate proper funding to infrastructure investments in line with the relevant EU legislation, including the waste hierarchy. In addition, measures should be taken to strengthen administrative capacity and support capacity building at local and regional levels and inspection services, in order to effectively prepare for the implementation of EU waste legislation. The EU invites Montenegro to:

- Present information on the waste prevention measures that shall be taken, including the establishment of waste prevention programmes;
- Prepare and present waste management plans (WMP) that include information on all waste streams (including hazardous waste, construction and demolition waste and industrial waste) and the solutions to manage them;
- Create an inventory of accumulated ‘historical’ hazardous waste, to improve hazardous waste characterisation and categorisation in industries; to secure and mark sites where hazardous waste is stored; to create a register of polluters;
- Take actions to promote prevention of industrial wastes and to ensure an environmentally sound disposal. For construction and demolition waste, more information on the construction of transfer and recycling centres is needed;

- Provide information on the measures for the separate collection of waste for paper, metal, plastic and glass;
- Provide a clear description of the location and technical details concerning landfills, which do not comply with the requirements of the Landfill Directive 1999/31/EC.

The EU takes note of Montenegro's request for six transitional periods:

- Until 31 December 2030 with regard to Article 11(2) of the Waste Framework Directive 2008/98/EC. During this period, Montenegro intends to implement the directive as follows:
 - a) The preparing for re-use and the recycling of waste materials such as paper, metal, plastic and glass, should be increased to a minimum of overall 50 % by weight;
 - b) The preparing for re-use, recycling and other material recovery, of non-hazardous construction and demolition waste should be increased to a minimum 70% by weight.
- Until 31 December 2033 with regard to Article 5(2) (a), (b), and (c) of Directive 1999/31/EC on the landfill of waste. During this period, Montenegro intends to gradually reduce municipal waste going to existing unregulated landfills as follows:
 - a) By 31 December 2025, the share of biodegradable municipal waste disposed to landfills will be reduced to 75% of the total amount (per weight) of biodegradable municipal waste produced in 2010 – with a maximum annual quantity of 109.500t;
 - b) By 31 December 2029, it will be reduced to 50% – with a maximum annual quantity of 73.000t;
 - c) By 31 December 2033, it will be reduced to 35% – with a maximum annual quantity of 36.500t.

- Until 31 December 2030 with regard to Article 6(1) Directive 94/62/EC on packaging and packaging waste. During this period, Montenegro intends to take the necessary measures to reach the targets covering its whole territory as follows:
 - a) Minimum 50% and maximum 65% by weight of packaging waste will be recovered;
 - b) Within this general target between 25% as a minimum and 45% as a maximum by weight of the totality of packaging materials contained in packaging waste will be recycled with a minimum 15% by weight for each packaging material.

- Until 31 December 2027 with regard to Article 7(1) of Directive 2012/19/EU on waste electrical and electronic equipment (WEEE). During this period, Montenegro intends to apply the principle of producer’s responsibility and the achievement of minimum annual collection rates as follows:
 - a) From 2024, the minimum collection rate to be achieved annually will be 45%, calculated on the basis of the total weight of collected WEEE, in accordance with Articles 5 and 6 of Directive 2012/19/EU in a given year in Montenegro, expressed as the percent of average weight of electrical and electronic equipment placed on the market of Montenegro in the three preceding years;
 - b) From 2027, the minimum collection rate to be achieved annually will be 65% of the average weight of electrical and electronic equipment placed on the market in the three preceding years, or alternatively, 85% of WEEE generated in Montenegro.

- Until 31 December 2027 with regard to Article 10(1) of Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators. During this period, Montenegro intends to achieve minimum annual collection rates as follows:
 - a) Montenegro will calculate the collection rate for the first time by 2024;
 - b) Montenegro will achieve the following minimum collection rates: 25% by 31 December 2023 and 45% by 31 December 2027.

- Until 31 December 2025 with regard to Article 3 of Directive 96/59/EC on disposal of polychlorinated biphenyls (PCBs) and polychlorinated terphenyls (PCTs). The PCB inventory will be finalised during 2018, while the decontamination of equipment will be done as of 2019.

In order for the EU to take a position on these requests, the EU recalls that Montenegro shall provide Directive Specific Implementation Plans including information with timetables and milestones, as well as related costs.

Water quality

The EU takes note of the current level of legislative alignment and invites Montenegro to step up its work in this respect, in particular regarding the adoption of provisions, which are not covered by the current Law on Water. The EU notes the adoption of the National Strategy for water management in Montenegro, as well as the Code of Good Agricultural Practice. The EU further takes note of plans to develop, by the end of 2021, the two river basin management plans. Furthermore, the EU notes Montenegro's intention to upgrade the water monitoring system by 2019, including on nitrates concentration.

The EU urges Montenegro to provide its Draft Strategic Master Plans on water quality which will provide an overview of alignment with the EU *acquis* in this field.

Regarding the Bathing Water Directive, Montenegro is invited to provide information on:

- Further alignment with the articles describing, identifying and assessing the causes of pollution;
- The monitoring and assessment of the bathing water, on the basis of which a classification of the bathing sites needs to be prepared.

The EU invites Montenegro to prepare for alignment with and implementation of Directive 2008/56/EC establishing a framework for Community action in the field of marine environmental policy and to present its plans in this respect.

In line with Directive 91/676/EEC, the EU invites Montenegro to take all the necessary steps to further define nitrate vulnerable zones and adopt action programmes with mandatory measures in respect of designated vulnerable zones.

The EU encourages Montenegro to continue its work within the Barcelona Convention framework - and in other relevant frameworks, in particular the EU Strategy for the Danube Region and the EU Strategy for the Adriatic and Ionian Region - to contribute to the implementation of the Ecosystem Approach and achievement of Good Environmental Status of its marine environment.

Montenegro should prepare the full implementation of EU *acquis* on river basin management. Thus, the EU invites Montenegro to ensure that a river basin management plan (RBMP) is produced for each river basin district lying entirely within its territory, and to ensure coordination of international RBMPs. Where an international river basin management plan does not exist, Montenegro should produce river basin management plans covering at least those parts of the international river basin district falling within its territory (Article 13 of Directive 2000/60/EC). Montenegro should ensure that for each river basin district or for the portion of an international river basin district falling within its territory, an analysis of its characteristics, impacts on surface waters/groundwater and economic analysis of water use will be undertaken (Article 5 of Directive 2000/60/EC). Montenegro should ensure the establishment of programmes for the monitoring of water status in order to establish a coherent and comprehensive overview of water status within each river basin district (Article 8 of Directive 2000/60/EC).

The EU notes Montenegro's request for a transitional period (TP) until 31 December 2035 with regard to Article 4(4) of Directive 2000/60/EC establishing a framework for Community action in the field of water policy (Water Framework Directive-WFD) until the implementation of Directive 91/271/EEC concerning urban waste-water treatment (UWWT Directive) in order to achieve good water status. The EU notes the relationship between this and other TP requests in the water sector and considers that for Montenegro to more precisely determine the need for any possible TP requests (on Directive 2000/60/EC), it will need to draft river basin management plans, monitoring plans and programmes outlining measures aimed at achieving good water status, as well as monitoring compliance with the *acquis* in place. The EU invites Montenegro to present a detailed implementation plan, including a timetable, milestones and investment plan, as well as a detailed implementation plan for capacity building of the relevant water authorities.

The EU notes Montenegro's TP request until 31 December 2024 with regard to Chapter IV and the Annex to Directive 2007/60/EC (Floods Directive), when it comes to the development of flood risk management plans. The EU invites Montenegro to present a detailed implementation plan, including a timetable and milestones for the implementation of the Floods Directive, as well as an investment plan and a detailed implementation plan for capacity building of the relevant water authorities. The EU invites Montenegro to specifically provide information on the methodologies used and the responsible authorities concerning Articles 4, 5, 6, 7, 9 and 10 of the Directive.

The EU takes note of Montenegro's TP request until 31 December with regard to Articles 3, 4, 5, 6 and 7 of Directive 91/271/EEC concerning urban wastewater treatment (UWWT Directive), related to deadlines for the construction of collecting systems and wastewater treatment plants. The EU notes that during this period, construction of the urban wastewater collection and treatment systems, meeting *acquis* requirements, would be completed. To allow for a full assessment of the request, the EU invites Montenegro to provide information on the identification of sensitive areas and the status with regard to wastewater collection and treatment systems. Montenegro also needs to provide an implementation plan, including costs and sources of financing, strengthening administrative capacity, timetable and milestones. The plan will need to reflect priorities set out by the Directive and include a break down by different categories outlined therein.

Nature protection

The EU takes note of Montenegro's work to further align its legislation in this sector, in particular with the adoption of the Law on Nature Protection and the National Biodiversity Strategy, together with its Action Plan for 2016-2020. The EU invites Montenegro to step up its work in this respect, in particular to align with Regulation (EU) 511/2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation in the Union.

The EU invites Montenegro to pursue its work on the preparation of a full list of the sites for the NATURA 2000 network for both terrestrial and marine areas. The EU underlines that Montenegro needs to further ensure sites management and monitoring of conservation status of habitats and species, by the date of accession. The EU invites Montenegro to pursue research and gathering of scientific data enabling the designation of those sites. The EU further invites Montenegro to submit the list of proposed sites to the Commission.

The EU underlines the importance of effective management of Natura 2000 sites and ensuring an adequate system of protection for all strictly protected species, including birds. The EU invites Montenegro to demonstrate its capacity to manage the Natura 2000 network by ensuring effective management of existing national protected areas, by affording the Ulcinj Salina the appropriate protection status and effectively implementing the necessary conservation measures leading to the improvement of its conservation status and by designating marine protected areas and ensuring their effective management. Furthermore, the EU invites Montenegro to continue building a comprehensive system of strict species protection and to demonstrate its effectiveness on licencing activities in the marine environment such as seismic surveys for oil and gas exploration and on land by ensuring sustainable hunting practices.

The EU underlines the importance of further administrative capacity building in the field of nature protection, in particular at regional and local level, including public institutions for management of national and nature parks, and other protected areas, and with respect to inspection services (nature protection and veterinary inspections). The EU also underlines the need to further develop coordination mechanisms and to continuously improve cooperation between the numerous administrative bodies involved in *acquis* implementation and enforcement in this area. In this regard, the EU invites Montenegro to propose an Action Plan to address this issue.

The EU recalls the need to designate Competent Authorities under the EU Timber and Forest Law Enforcement, Governance and Trade (FLEGT) regulations.

Industrial pollution and risk management

The EU takes note of Montenegro's work to further align its legislation in this sector and invites Montenegro to step up its work in this respect, in particular regarding Directive 2010/75/EU on industrial emissions (IED). The EU notes Montenegro's intention to establish a pollutant register with a pollutant emissions database, following the ratification of the Protocol on Pollutant Release and Transfer Registers.

The EU invites Montenegro to provide a plan including information on compliance with the specific provisions laid down in Chapters III and IV of the IED, which lay down minimum emission limit values for large combustion plants and waste (co-) incineration plants. As regards new plants, the EU invites Montenegro to ensure alignment with all chapters of the IED and take the necessary steps for the preparation of its timely implementation.

The EU takes note of Montenegro's request for a transitional period for full implementation of Chapter II (IPPC) and Chapter V (volatile organic compounds) of Directive 2010/75/EU until 1 January 2030. In this respect, the EU notes Montenegro's intention to adopt a Directive Specific Implementation Plan for the IED. The EU invites Montenegro to provide such a plan and to include information concerning a time schedule for issuing permits for installations, as well as plans for their alignment, including estimated costs, sources of financing and a timetable with milestones.

The EU takes note of Montenegro's intention to strengthen administrative capacity in this sector, in line with the National Strategy and its related Action Plan for the transposition and implementation and enforcement of the EU *acquis* on environment and climate change. The EU underlines the importance of capacity building and training in particular as regards inspection services and competent bodies for implementation of the EU Eco-Management and Audit Scheme (EMAS) and Ecolabel regulations.

Chemicals

The EU takes note of Montenegro's work to align its legislation in this sector, including the adoption of the Law on Chemicals and numerous by-laws, to further align with Regulation (EC) No 1907/2006 concerning the registration, evaluation, authorisation and restriction of chemicals (REACH) and Regulation (EC) 1272/2008 on classification, labelling and packaging of substances and mixtures (CLP). The EU also notes the adoption of the Law on the ratification of the amendments to the Stockholm Convention on Persistent Organic Pollutants. The EU invites Montenegro to pursue work on legislative alignment and preparation for the timely implementation of the *acquis*, including Directive 2010/63/EU on the protection of animals used for scientific purposes and the Rotterdam and Stockholm conventions.

As regards administrative capacity, the EU takes note of the setup of a formalised cooperation between relevant stakeholders and the NEPA on chemical management. The EU takes further note of plans to strengthen administrative capacity, in line with the National Strategy and its related Action Plan for the transposition, implementation and enforcement of the EU *acquis* on Environment and Climate Change.

Noise

The EU takes note of Montenegro's level of alignment on noise and plans for further implementation measures: developing noise maps and noise management Action Plans for agglomeration and main roads, setting public awareness campaigns and using further the centralised data information system within the NEPA.

The EU notes Montenegro's intention to train NEPA staff on drafting noise maps and Action Plans as well as to employ one additional inspector in the AIA (Administration for Inspection Affairs).

The EU invites Montenegro to ensure that the concerned public will be consulted when developing noise management Action Plans.

Civil Protection

The EU takes note of Montenegro's Disaster Risk Reduction Strategy and related Action Plan for 2018-2023, further aligning its strategic planning with Commission Implementing Decision 2014/762/EU on implementing rules on the Union Civil Protection Mechanism, to which Montenegro is a participating state since 2015.

The EU recalls the need for Montenegro to pursue work on transposition of the requirements arising from the signed Agreement on the participation of Montenegro in the Union Civil Protection Mechanism as well as to connect to the Common Emergency Communication and Information System (CECIS). The EU recalls that Montenegro needs to establish a Secure Trans European Services for Telematics between Administrations (sTESTA) connection between its Ministry, which would be responsible for communication, and the Commission as well as an sTESTA line with the Ministry of Interior. This is a precondition to access CECIS.

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

Climate Change

The EU takes note of the current limited level of legislative alignment and invites Montenegro to step up its work in this respect, in particular as regards Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading (EU ETS), the Effort Sharing Decision (targets for sectors not covered by ETS) and regulations on monitoring, reporting and verification of greenhouse gas emissions (MRV).

The EU takes note of Montenegro's work to transpose Regulation 443/2009/EC and Regulation 510/2011/EU on standard CO₂ emissions from passenger cars and light-duty vehicles and recalls the obligation to put in place a monitoring and reporting system for newly registered vehicles.

The EU recalls the obligation to put in place the appropriate framework to fulfil the obligations under the Climate Monitoring Mechanism Regulation (Regulation (EU) No 525/2013) and related delegated and implementing acts.

The EU takes note of Montenegro's work to align with Regulation 1005/2009/EC on substances that deplete the ozone layer and Regulation 517/2014/EU on fluorinated greenhouse gases and recalls the obligation to fully align with the above as well as the related delegated and implementing acts.

The EU notes that Montenegro has its Climate Change Strategy in place but that it needs to ensure consistency with the EU 2030 climate and energy policy framework (e.g. EU ETS Directive, Effort Sharing Decision, Land Use, Land-Use Change and Forestry (LULUCF) Regulation and Regulation on Governance of the Energy Union) and its integration into all relevant sectoral policies and strategies, to start implementing the Paris Agreement and the Montenegrin nationally determined contribution to it.

The EU underlines the need for Montenegro to pursue work on strengthening administrative capacity and inter-institutional cooperation.

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In view of the present state of preparations, the EU notes that, on the understanding that Montenegro has to continue to make progress in the alignment with and preparation for implementation of the *acquis* covered by the chapter on environment and climate change, this chapter may only be provisionally closed once it is agreed by the EU that the following benchmarks are met:

- Montenegro continues to align with the horizontal Directives and demonstrates that it will be fully prepared to ensure their effective implementation and enforcement at the date of accession.
- On air quality, Montenegro fully aligns with the revised Directive on the reduction of national emissions of certain atmospheric pollutants (NEC Directive 2016/2284/EU). Montenegro presents an analysis of cost-effective emission control strategies for 2020 and 2030, which shall serve as a basis for final agreement between the EU and Montenegro on its reduction obligations under the NEC Directive. Montenegro reports on an annual basis its emissions, in line with the Directive and the Convention on Long-range Transboundary Air Pollution and develops a National Air Pollution Control Programme. Furthermore, Montenegro enhances the preparation for the implementation of the *acquis* in this area, by regularly taking measures to reduce national air pollution, particularly in zones where EU limit values for air quality are exceeded, and by developing or updating air quality plans, as envisaged by the Directive on ambient air quality and cleaner air for Europe (Directive 2008/50/EC).
- Montenegro decides on its waste management system and dedicates appropriate funding to infrastructure investments, in line with relevant EU legislation, including the waste hierarchy. Montenegro establishes waste prevention programmes, prepares waste management plans (WMP), and adopts measures for the separate collection of waste for paper, metal, plastic and glass.
- Montenegro makes significant progress on *acquis* alignment in the water sector, including drinking water legislation, and Directive 2008/56/EC establishing a framework for Community action in the field of marine environmental policy. Montenegro designates the competent drinking water authorities and develops river basin management plans for each river basin district lying entirely within its territory, including the portions of international river basin districts falling within its territory.

- In the area of nature protection, Montenegro submits the list of proposed Natura 2000 sites, sufficiently covering the habitat types and species in line with the requirements of the Birds and Habitats directives, to the Commission. Montenegro demonstrates the capacity to manage the Natura 2000 network, including by affording the Ulcinj Salina the appropriate protection status and effectively implementing the necessary conservation measures leading to the improvement of its conservation status.
- Montenegro continues its alignment with the *acquis* in the chemicals, noise and civil protection sectors, and demonstrates that it will be fully prepared to ensure the implementation and enforcement of the EU requirements at the date of accession.
- On climate change, Montenegro continues its alignment with the *acquis*, notably by adopting legislation on the functioning of the European Emissions Trading System (EU ETS), in line with the EU ETS Directive 2003/87/EC and its successive amendments. Montenegro further aligns with relevant secondary legislation on monitoring and reporting, accreditation and verification, the Union Registry, free allocation, and auctioning. Montenegro makes sure that the appropriate framework is in place to implement the EU ETS in its entirety regarding the monitoring, reporting, and verification of greenhouse gas emissions.
- Montenegro, in line with the Action Plan for the transposition, implementation and enforcement of the EU *acquis* on environment and climate change, significantly enhances the capacity of the administrative bodies at all levels, including inspection services, further improves coordination of work and demonstrates that all appropriate administrative structures and adequate training will be in place in good time before accession to enable implementation and enforcement of the *acquis* in all sectors of this chapter.

Monitoring of progress in the alignment with and implementation of the *acquis* will continue throughout the negotiations. The EU underlines that it will devote particular attention to monitoring all specific issues mentioned above with a view to ensuring Montenegro's administrative capacity, its capacity to complete legal alignment in all sectors under this chapter, as well as further progress in implementation of the aligned legislation. Particular consideration needs to be given to the links between the present chapter and other negotiation chapters. A final assessment of the conformity of Montenegro's legislation with the *acquis* and of its implementation capacity can only be made at a later stage of the negotiations. In addition to all the information the EU may require for the negotiations in this chapter and which is to be provided to the Conference, the EU invites Montenegro to regularly provide detailed written information to the Stabilisation and Association Council on progress in the implementation of the *acquis*.

In view of all the above considerations, the Conference will have to return to this chapter at an appropriate moment.

Furthermore, the EU recalls that there may be new *acquis* between 8 February 2018 and the conclusion of the negotiations.
