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## **Country Specific Report**

Written Contribution for the 2020 Montenegro Annual Report  
*Chapter 15 & 27*



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## 1. Introduction

**This initial section is dedicated to present an overall picture of Montenegro EU Accession progress made during the last year, with regard to environment, climate change mitigation and energy sector.**

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. At the Government of Montenegro session of February 8<sup>th</sup>, 2018, the Negotiating Position for Chapter 27 was adopted.

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.<sup>1</sup>

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 26<sup>th</sup> 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%.

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 26<sup>th</sup> 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.

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 137<sup>th</sup>

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<sup>1</sup> [http://www.gov.me/sjednice\\_vlade\\_2016/82](http://www.gov.me/sjednice_vlade_2016/82)

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 ratified Nagoya Protocol 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.

### **1.1. Environmental Status in Montenegro**

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

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 Game 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 permit<sup>2</sup>.

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 NEAS<sup>3</sup> 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, 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).<sup>4</sup>

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 million<sup>5</sup> 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 €<sup>6</sup>, for 2019 was €410.000, for 2018 was €400.000, for 2017 was €330,000, while for 2016 it amounted to € 322,500.

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<sup>2</sup> 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.

<sup>3</sup> National Strategy for transposition, implementation and enforcement of EU environment and climate change Acquis (NEAS) with Action plan for period 2016-2020, pg. 174

<sup>4</sup> 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

<sup>5</sup> National Strategy for transposition, implementation and enforcement of EU environment and climate change Acquis (NEAS) with Action plan for period 2016-2020, pg. 118

<sup>6</sup> Annual programme monitoring for 2020, adopted at 153th Governmental session, held on 26<sup>th</sup> December 2019

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 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.

## **2. Obligations of Membership**

### **2.1. Energy (Under Chapter 15)**

#### *2.1.1. Renewable Energy*

Renewable Energy Directive has been partially aligned through the Energy law. The national action plan on the use of renewable energy sources by 2020 was adopted in 2014. In 2016 **41.6 %** of energy gross final consumption came from renewable sources, thus exceeding the 33 % 2020 target. <sup>7</sup> The Draft Law on amendments to the Energy Law was adopted at the government session held in July 2020.

Montenegro committed to a binding 33% target of energy from renewable sources in gross final energy consumption in 2020. According to the energy balances published by EUROSTAT, Montenegro achieved a 45.1 % share of energy from renewable sources (in total electricity generation) in 2017 and a 58.7 % share in 2016, thus overachieving the 33% target for 2020. This is mainly due to revision of biomass data in 2011, leading Montenegro to exceed its target already in 2009 without any additional effort. Montenegro adopted and submitted to the Secretariat the National Renewable Energy Action Plan required by Directive 2009/28/EC. The NREAP foresees reaching 36% of energy from renewable sources in gross final energy consumption in 2020. The third progress report for 2016 - 2017 submitted to the Secretariat states that the country achieved a 31,8%, % share of energy from renewable sources in 2016 and a 32,3 % share in 2017, which contradicts the statistical data submitted by the Statistical Office of Montenegro to EUROSTAT. The calorific value of firewood is the main disputed parameter by the Ministry of Economy leading to different results in the calculation of the share of energy from renewable sources. The authorised institutions of the country have to comply with the acquis on energy statistics of Regulation (EC) 1099/2008, therefore enabling comparability of data.<sup>8</sup>

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<sup>7</sup> Montenegro 2018 Report

<sup>8</sup> Annual implementation Report Energy Community Secretariat 1 September 2017

Integrated planning development, decarbonisation 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.<sup>9</sup>

Significant quantities of electricity have been lost or unpermitted taken over from the transmission and distribution system for years (around 22%).<sup>10</sup> There is low investment in distribution system.

### *2.1.2. Energy Efficiency*

Montenegro has defined the indicative goal of increasing energy efficiency since 2010, which represents a savings of 9% of the country's final energy consumption by 2018. This goal was also confirmed by the Energy Efficiency Action Plan for 2016-2018 from 2016. According to available data, 84 percent of the above goal has been achieved.

Montenegro has adopted the Energy Efficiency Action Plan for 2019-2021, with the aim to continue savings by reducing electricity consumption by 1 percent per year.

However, in October 2015, a decision was made at the session of the Ministerial Council of the Energy Community (D / 2015/08 / MC-EnC) transposing the new Energy Efficiency Directive 2012/27 / EU3 (EED) became binding for the EC Member States, and therefore for Montenegro.

The Public Private Partnership Law is adopted, and thus fulfilled legally prerequisites for realization of ESCO projects.

Ministry of Economy of Montenegro has prepared amendments to the Law on Efficient Use of Energy, adopted by the Parliament of Montenegro on 4 April 2019.

This Law will contribute to the harmonization with the requirement of the basic EU Directive on energy efficiency (Directive 2012/27/EU on energy efficiency).

Obligation of Montenegro is to transpose it based on the membership in the Energy Community, regarding the introduction of the requirement related to the establishment of centralized reporting on implementation of energy efficiency measures and achieved energy savings from all entities recognized by this law and preparation of a special study for energy efficiency improvement in buildings in Montenegro.

In addition, in accordance with the law, there are subsidies for users of material benefits and vulnerable energy consumers, and the right to support to invest in energy efficiency is provided to all citizens through numerous programs implemented by the Ministry of Economy (Solar Katuni, MONTESOL, ENERGY WOOD, Energy Efficient Home ..)

The Ministry of Economy has implemented two projects, in order to provide citizens with the purchase and installation of a heating system for boilers and stoves on modern forms of biomass, such as briquettes and pellets, on credit for up to seven years, without interest.

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<sup>9</sup> Analyse of Chapter 27 – Coalition 27, Montenegro

<sup>10</sup> Annual Report on the Implementation" of the Energy Community in 2016.

## **2.2. Environment (Under Chapter 27)**

### *2.2.1. Water Quality and Management*

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 groundwater is established in accordance with Directive 2006/118 and First Programme Monitoring of surface and groundwater 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.

Plan 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.

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 standardised 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.



New contracts are signed for building sHPPs „Jezerštica“, „Bistrica“, „Jelovica 2“, „Jelovica 1“, „Crnja“, „Ljubaštica“, „Crni potok“.<sup>11</sup>

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 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.

### 2.2.2. *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.

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 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

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<sup>11</sup> Information on contracts realization for building sHPPs ([www.gov.me](http://www.gov.me))

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 inventar of GHG is prepared in 2019.

GHG emissions are expected to be decreased in 2030 from 3,321 Gg CO<sub>2</sub>e, which is the amount according to the scenario "without measures", to 2,301 Gg CO<sub>2</sub>e (including LULUCF<sup>12</sup>). If LULUCF is not included, emissions would decrease from 3,519 to 2,499 Gg CO<sub>2</sub>. According to this scenario, the target value from NDC 2030 is expected to be achieved.

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.

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 CO<sub>2</sub> emissions when buying new vehicles is not prescribed or established.

### *2.2.3. 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.

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<sup>12</sup> The Regulation on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry

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

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

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.<sup>13</sup>

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

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<sup>13</sup> Report on the work of the Inspectorate Administration in 2019, pg. 82: <http://www.uip.gov.me/biblioteka/dokument>

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.<sup>14</sup>

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.<sup>15</sup>

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.

#### *2.2.4. 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

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

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<sup>14</sup> Report on the work of the Inspectorate Administration in 2019, pg. 82: <http://www.uip.gov.me/biblioteka/dokument>

<sup>15</sup> Report on the work of the Inspectorate Administration in 2019, pg. 87: <http://www.uip.gov.me/biblioteka/dokument>

session<sup>16</sup>. 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 realized<sup>17</sup>.

Established real-time air quality reporting system is not operational . 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.

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. <sup>18</sup>

An average concentration of PM2.5 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.

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 it 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.

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<sup>16</sup> In accordance to the measures against COVID 19

<sup>17</sup> Report of Implementation the National Air Quality Management Strategy for 2019, [http://www.gov.me/sjednice\\_vlade\\_2016](http://www.gov.me/sjednice_vlade_2016)

<sup>18</sup> <https://epa.org.me/mjesecni-izvjestaji-o-kvalitetu-vazduha/>

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.<sup>19</sup>

#### 2.2.5. *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.

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.

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<sup>19</sup> Report on implementation of National strategy for Air Quality in 2019, pg. 5

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.

#### *2.2.6. Wildlife and 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.

According to the NEAS with the Action Plan 2018 – 2020 there is obligation to adopt Law on invasive species in order to transpose Regulation EU 1143/2014. This Law is likely to be adopted by the end of 2018.

**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.<sup>20</sup>

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 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.<sup>21</sup>

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 2020<sup>22</sup> 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.<sup>23</sup>

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

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<sup>20</sup> Third Report of NEAS implementation for period July-December 2019

<sup>21</sup> "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.

<sup>22</sup> Adopt national Decision on the ecological network by 2020 (see transposition table XXXVIII, measure 156)

<sup>23</sup> Third Report of NEAS implementation for period July-December 2019



protected areas was not done, which was a legal obligation. Many 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 31<sup>th</sup> until November 1<sup>st</sup> 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.

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 5<sup>th</sup> 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 allocated<sup>24</sup> and in 2019 the amount of 55.000 € was allocated.

### *2.2.7. 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.

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.<sup>25</sup>

In 2019 EPA issued the IPPC permit for the operator "TOSCELIK Alloyed Engineering Steel Ltd.", Nikšić.<sup>26</sup>

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-Permonete.

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.

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<sup>24</sup> Programme of environmental monitoring for 2020

<sup>25</sup> [https://epa.org.me/wp-content/uploads/2019/01/dozvole\\_IPPC\\_sajt.pdf](https://epa.org.me/wp-content/uploads/2019/01/dozvole_IPPC_sajt.pdf)

<sup>26</sup> <http://www.epa.org.me/images/dozvole2019/1174-44.pdf>

„**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).<sup>27</sup>

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.

### *2.2.8. 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.

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 session<sup>28</sup>, on 09<sup>th</sup> 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.

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<sup>27</sup> Information about project realization ([www.gov.me](http://www.gov.me))

<sup>28</sup> In accordance with measures against COVID-19.

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 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.

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 permits<sup>29</sup>, but the information on the number of transit and export permits is not available.<sup>30</sup>

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.

#### 2.2.9. 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.

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.

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.

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<sup>29</sup> [https://epa.org.me/wp-content/uploads/2020/01/dozvole\\_hemikalije\\_uvoz\\_sajt.pdf](https://epa.org.me/wp-content/uploads/2020/01/dozvole_hemikalije_uvoz_sajt.pdf)

<sup>30</sup> <https://epa.org.me/dozvole-i-rjesenja/>

### *2.2.10. 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.

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 12<sup>th</sup> 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.

## **3. Conclusions and recommendations**

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 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.

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- ✓ Report on Implementation of National Strategy on Air Quality and
- ✓ Report on the work of the Inspectorate Administration in 2019,
- ✓ Report on the work of the Prosecutorial Council and the State Prosecutor's Office for 2019 (Proposal);
- ✓ Report on implementation of Action plan for the prevention of illegal activities in forestry for the period 2019-2021
- ✓ Sector planning document, Montenegro -Environment & Climate action
- ✓ 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,
- ✓ Statute of Fund for Environmental Protection,
- ✓ Statute of an Environmental fund;
- ✓ Third half-year report of implementation of 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 for period July-December 2019,
- ✓ Twenty-fifth Quarterly Report on Total Activities in the Process of Integration of Montenegro into the European Union for the Period January – March 2020;