

Questionnaire for the

**REPORT OF MONTENEGRO ON THE
IMPLEMENTATION OF THE CONVENTION ON
ENVIRONMENTAL IMPACT ASSESSMENT IN A
TRANSBOUNDARY CONTEXT**

in the period 2006–2009

Information on the focal point for the Convention

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PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Article 2

General Provisions

DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2.2).*
 - Law ratifying the Convention on Environmental Impact Assessment in a Transboundary Context (International Treaties of Montenegro, Official Gazette 08/08);
 - Law on Environmental Impact Assessment (Official Gazette of the Republic 80/05, 40/10). It is 98% in compliance with Council Directive 85/337/EEC of 27 June 1985, regarding the assessment of environmental impacts of certain public and private projects on the environment, as amended by Directive 97/11/EC and Directive 2003/35/EC.
 - Decree on Projects subject to Environmental Impact Assessment (Official Gazette of the Republic of Montenegro 20/07);
 - Rulebook on the content of documents to be submitted with the application to decide on the need for Environmental Impact Assessment (Official Gazette of Montenegro 14/07);
 - Rulebook on the content of documents to be submitted with the application to determine the scope and content of Environmental Impact Assessment (Official Gazette of Montenegro 14/07);
 - Rulebook on the content of Environmental Impact Assessment (Official Gazette of Montenegro 14/07);
 - Rulebook on the content, form and manner of keeping public records of the proceedings and decisions on Environmental Impact Assessment (Official Gazette of Montenegro 14/07).

2. *Indicate any further measures to implement the provisions of the Convention that are planned for the near future.*

Some amendments to the Law on Environmental Impact assessment (Official Gazette of the Republic of Montenegro 80/05, 40/10) are planned, which will be further harmonized with the provisions of the Espoo Convention, as well as amendments to the Rulebook on projects subject to Environmental Impact Assessment (Official Gazette of the Republic of Montenegro 20/07).

TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE

3. *Describe your country's national and transboundary environmental impact assessment (EIA) procedures and authorities (art. 2.2):*
 - a. *Describe the EIA procedure in your country and indicate which steps of the EIA procedure include public participation;*

Pursuant to the Law on Environmental Impact Assessment competent authority responsible for conducting the impact assessment process is the state administration body responsible for environmental protection - for projects for which approvals, permits and licenses are issued by other state administration bodies; it used to be the Ministry before, and now it is the Environmental Protection Agency and local government authority responsible for environmental protection - for other projects for which approvals, permits and licenses are issued by other bodies of local government.

In Montenegro, the process of impact assessment is carried out according to the following stages: deciding on the need for Environmental Impact Assessment (EIA); determining the scope and content of Environmental Impact Assessment; and deciding on EIA approval.

The first phase includes the process of deciding on the need for an assessment of impacts, which begins by submitting an application for the decision. Project proponent submits an application for deciding on the need for assessment of impacts to the competent authority. Enclosed with the application, the project proponent submits a description of the project site, description of the project, description of likely significant impacts of the project on the environment, and a filled out questionnaire on the impact of the project on the environment. After its submission, the application is considered. Upon receipt of the request for deciding on the need for impact assessment, the competent authority verifies whether the required documentation was enclosed with the application, and if not, it is returned to be amended and a period within which it must be submitted is determined.

Verification of the application is followed by Notification. The competent authority informs all the concerned bodies and organizations and the public concerned about the submitted application to decide on the need of impact assessment, within five days of receiving a complete application. The notification contains: the name of the applicant; project name; location and time for reviewing the documents; the name and address of the competent authority to which the comments are provided. Interested bodies and organizations and the public concerned may, within seven days of receipt or publication, deliver their comments to the competent authority regarding the submitted application.

Then, the competent authority, within seven days from the date of expiry of time limit, decides on the need for an assessment of impacts. When deciding, the competent authority is obliged to consider the opinions delivered. Also, the right to appeal is established in this stage. An appeal against the decision on the need for impact assessment, issued by the competent local authority, may be lodged to the Chief Administrator. The Chief Administrator has the authority of an appellate authority in administrative matters within the jurisdiction of the municipality, in accordance with the Law on Local Self-Government (Official Gazette of the Republic of Montenegro 42/03, 28/04, 75/05, 13/06, Official Gazette Montenegro 88/09.). For projects for which a decision on the need for environmental impact assessment was issued by the Environmental Protection Agency, an appeal may be filed with the Ministry of Spatial Planning and Environment, through the Agency, within 15 days.

The second phase of the EIA procedure, involves determining the scope and content of Environmental Impact Assessment. It starts by the submission of an application for determining the scope and content of the EIA by the project proponent. The following is enclosed with the application by the project proponent: general information; site description; project description; description of alternatives considered; a description of the segments of the environment; a description of the likely significant impacts of the project on the environment; a description of measures envisaged to prevent, reduce or eliminate significant adverse environmental impacts; summary information, information about possible difficulties encountered by the project proponent in data collection and documentation; a completed questionnaire to determine the scope and content of the EIA.

This is followed by the decision on the application. Upon receipt of an application to determine the scope and content of EIA, competent authority verifies whether all the required documentation was submitted. A properly submitted application will be delivered, within three days, to the Commission for Impact Assessment by the competent authority. The Commission considers the application and delivers to the competent authority, within 15 days of receipt, a report containing a proposed scope and content of the EIA. The competent authority delivers the proposal of the Commission to the project proponent and notifies interested bodies and organizations and the public accordingly within seven days of receipt of the proposal. Interested bodies, organizations and the public concerned may, within 15 days of receipt of proposal from the Commission, submit their comments to the competent authority. The competent authority, within 15 days of the deadline for submission of opinions, decides on the scope and content of the EIA. The competent authority shall, in deciding, consider the opinions of interested bodies and organizations and the public.

The competent authority delivers the decision on the scope and content of EIA to the project proponent and notifies the concerned bodies and organizations and the public concerned about this decision, within five days from the date of enactment. An appeal against the decision on the scope and content of Environmental Impact Assessment, issued by the competent local authorities, may be lodged to the Chief Administrator. The Chief Administrator has the authority of an appellate authority in administrative matters within the jurisdiction of the municipality, in accordance with the Law on Local Self-Government. For projects where the decision on the scope and content of EIA was issued by the Environmental Protection Agency, an appeal may be lodged to the Ministry of Spatial Planning and Environment, through the Agency, within 15 days.

The third stage involves deciding on the approval of EIA. An application for EIA approval is submitted to the competent authority by the project proponent. EIA is submitted with the application by the project proponent. If the competent authority decided on the scope and content of EIA, the project proponent is required to submit a request for approval to the competent authority not later than within one year from the date of receipt of the final decision on the scope and content of the EIA. If an application for approval is submitted by the project proponent after the prescribed deadline, the competent authority will decide on the application depending on the circumstances of each specific case.

The content of EIA is analyzed and the quality of the segments of the environment is assessed, and also their sensitivity within a particular area, mutual impacts of the existing and planned activities, forecasts of direct and indirect impacts of the project on the environment, as well as measures and conditions for the prevention, removal, mitigation or remediation of harmful impacts on the environment and human health. EIA is an integral part of the documentation required to obtain a permission, authorization or approval to begin implementation of the project or to obtain the use permit. Also, the EIA contains information about the organization and the individuals who participated in the preparation of EIA and the environmental impact monitoring program. The conditions and approvals obtained from other relevant bodies and organizations may be enclosed with the EIA, in accordance with the law. A detailed content of the EIA is provided by the state authority responsible for environmental protection.

The next stage is a public consultation on the EIA. The competent authority, within five days of receipt of the request for approval of the EIA, notifies the concerned bodies, organizations and the public concerned about the manner, time and place of the public review, submission of comments and opinions, as well as the time and place of public hearings on the EIA.

A public hearing may be held not earlier than 10 days from the date of notification of interested bodies and organizations and the public. A public hearing is organized and managed by the competent authority. The public consultation is participated by the project proponent and at least one person who participated in the preparation of EIA.

To determine the scope and content of EIA and for the purpose of EIA evaluation, the competent authority appoints a Commission to determine the scope and content of EIA and its evaluation, that is the Commission for Environmental Impact Assessment. The Commission for Environmental Impact Assessment consists of the employees of the competent authority and other experts. The decision on the appointment of the Commission for Environmental Impact Assessment specifies the number, composition and manner of operation of the Commission. No person who participated in the preparation of EIA or is employed by the legal entity or entrepreneur who prepared the EIA can be a member of the Commission for Environmental Impact Assessment.

The competent authority, within five days from the day of public hearing, submits the EIA to the Commission for Environmental Impact Assessment, enclosed with an overview of comments and opinions provided during the public consultation and public hearing. The Commission for Environmental Impact Assessment may require the project proponent to make certain amendments to the submitted EIA. The project proponent is required to act upon the request of the Commission for Environmental Impact Assessment and submit an amended EIA within the deadline set by the Commission. If the project proponent fails to comply, the Commission for Environmental Impact Assessment will continue working on the basis of available documentation.

The Commission for Environmental Impact Assessment is required to submit the EIA with a proposed decision to the competent authority within 30 days from the receipt of documentation. The time period given by the Commission to the project

proponent to amend the EIA is not included into the time period that was given to the Commission to decide on the EIA evaluation.

Based on the report and the proposed decision of the Commission for Environmental Impact Assessment, the competent authority decides on either approving or rejecting the requests for approval of the EIA. The decision is made by the competent authority and submitted to the project proponent within five days of receipt of the report and the proposed decision of the Commission for Environmental Impact Assessment. The competent authority is obliged to notify the concerned bodies, organizations and the public of the decision within five days and provide to them the following, for review: the content of the decision and conditions if applicable; the reasons on which the decision is based, including the reasons for the acceptance or rejection of submitted comments, suggestions and opinions of interested bodies and organizations and the public; as needed, a description of the most important measures to be taken by the project proponent to prevent, eliminate, mitigate or repair any harmful effects.

Against the decision of the Commission for Environmental Impact Assessment, issued by the competent local authority, an appeal may be lodged to the Chief Administrator. The Chief Administrator has the authority of an appellate authority in administrative matters within the jurisdiction of the municipality, in accordance with the Law on Local Self-Government. For projects where the decision on approval or rejection of a request for EIA approval is issued by the Environmental Protection Agency, an appeal can be lodged to the Ministry of Spatial Planning and Environment, through the Agency, within 15 days.

An EIA approval ceases to be valid if the project proponent fails to obtain a permit or authorization to carry out the project within two years from the date of decision on approval. The project proponent is required to implement all the measures envisaged in the EIA for which an approval was granted. For projects for which an approval of the EIA was given, the competent authority will determine whether all the measures provided by the EIA were implemented. In cases where the competent authority determines that all the measures planned by the EIA were not implemented, no use permit can be issued.

The procedures for notifying the public are also determined by domestic law. When pursuant to this law the competent authority is obliged to notify the public, the notification is carried through at least one local daily newspaper published in an area that will be impacted by the planned project, as well as through electronic media.

The concerned authorities and organizations are notified by the competent authority by mail, by fax and electronically.

- b. Describe how the different steps of the transboundary EIA procedure set out in the Convention fit into your country's national EIA procedure;*

The transboundary EIA procedure of the Espoo Convention was transposed into national legislation (National legislation referred to in answer # 1, Part I - The current legal and administrative framework for the implementation of the Convention).

- c. List the different authorities that are named responsible for different steps of the transboundary EIA procedure (notification, consultation between Parties, public*

participation, etc.). Also list the authorities responsible for the domestic EIA procedure, if they are different;

The Environmental Protection Agency is the authority responsible for implementing the procedure for environmental impact assessment.

The Ministry of Spatial Planning and Environment is the authority responsible for conducting the cross-border notification procedure, and consultations among the parties involved. The notification is submitted to the Ministry of Foreign Affairs of Montenegro, to be delivered through diplomatic channels to the competent authorities of the affected party.

- d. Is there one authority in your country that collects information on all the transboundary EIA cases? If so, name it. If not, does your country intend to establish such an authority?*

The Law on Environmental Impact Assessment stipulates the obligation of keeping records and forming a database of procedures and decisions on approval and rejection of the requests for EIA approval. Records are kept in the form of public records - evidential book, by the Environmental Protection Agency.

- 4. Does your country have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

No. In accordance with the Law on Environmental Impact Assessment, in Montenegro there are no special provisions for joint cross-border projects.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

- 5. Is appendix I to the Convention transposed into your country's national legislation? Does your country's legislation already cover the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7), and if so, how? Please describe any differences between the national list and appendix I to the Convention. Please explain how your country interprets terms such as "large" and "major" used in appendix I (including in items 4, 8, 11, 14, 16, 17 and, as appropriate, 22).*

Appendix I to the Convention is partially transposed into national legislation by the Decree on the projects subject to environmental impact assessment.

The Decree on the projects subject to environmental impact assessment consists of two lists, as follows: List I, specifying the projects which are obligatorily subject to environmental impact assessment and List II, specifying the projects that may be subject to environmental impact assessment.

The expressions such as "large" and "major" are not used in the Montenegrin Decree on projects which are subject to environmental impact assessment, but those are defined as the capacity, length, strength, etc.

- 6. Please describe:*

- a. The legislation and, where appropriate, the procedures your country would apply to determine that an "activity", or a change to an activity, falls within the scope of appendix I (art. 2.3), or that an activity not listed should be treated as if it were (art. 2.5);*

The Decree on the projects subject to environmental impact assessment. The projects which are always subject to environmental impact assessment, List I, are specified by this Decree.

- b. *How your country conducts transboundary EIA cooperation (through points of contact, through joint bodies or within bilateral or multilateral agreements);*

The procedure for conducting cross-border cooperation is carried out through the Ministry of Foreign Affairs and through the points of contact .

- c. *How a change to an activity is considered as a “major” change;*

The expressions such as "large" and "major" are not used in the Montenegrin Decree on projects which are subject to environmental impact assessment, but those are defined as the capacity, length, strength, etc.

- d. *How such an activity, or such a change to an activity, is considered “likely” to have a “significant” adverse transboundary impact (art. 2.3 and 2.5, and the Guidelines in appendix III).*

Projects that may have a transboundary impact are included in List I of the Decree on the projects subject to environmental impact, which is in accordance with Appendix I to the Espoo Convention.

PUBLIC PARTICIPATION

7. *Does your country have its own definition of “the public” in national legislation, compared to article 1(x)? How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country’s public as required in article 2, paragraph 6?*

Under the national Law on Environmental Impact Assessment, the public includes one or more natural or legal persons, associations and organizations, while the public concerned is the public which is affected or expected to be affected by the project.

When pursuant to this Law the competent authority is obliged to notify the public, the notification is carried out through at least one local daily newspaper published in the area that will be affected by the planned project, as well as through electronic media. The competent authority will notify the concerned authorities and organizations by mail, by fax and electronically.

If the project may have a significant impact on the environment of another state or if so requested by the country whose environment may be significantly affected, the state authority responsible for environmental protection, as soon as possible and no later than within the deadlines for notifying its own public, will notify the other state about:

- 1) the project together with all available data about its potential impacts;
- 2) the nature of a decision that can be made; and
- 3) the period during which the other country may declare its intention to participate in the process of environmental impact assessment.

The state authority responsible for environmental protection notifies the state that participated in the process of environmental impact assessment about the decision on either approving or refusing the request for EIA approval, by providing notification on:

- 1) the content of the decision and conditions, if applicable;
- 2) the grounds on which the decision is based, including reasons for acceptance or rejection of the submitted comments, suggestions and opinions of interested bodies and organizations and the public,
- 3) the most important measures that must be taken by the project proponent to eliminate, prevent, mitigate or repair any harmful effects.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

8. *Describe how your country determines when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure does your country usually notify the affected Party (art. 3.1)*

As already stated, Montenegro has not had any cross-border projects so far. The law establishes an obligation of the state authority responsible for environmental protection, as soon as possible and no later than within the deadlines for notifying its own public, to notify the other country (5 days for notification on the decision regarding the need for environmental impact assessment, 5 days for determining the scope and content, and 5 days for notice of decision on approval).

9. *Does your country provide any information to supplement that required by article 3, paragraph 2?*

According to the Law on Environmental Impact Assessment, the affected party is notified of the project together with all available data about its potential impacts; the nature of decision that can be made; time period in which the other country may declare its intention to participate in the process of environmental impact assessment.

10. *Does your country use the format for notification (as decided by the first meeting of the Parties, decision I/4, in document ECE /MP.EIA/2)? If not, in what format does your country normally present the notification?*

The EIA was not used for any projects, because there has been no project so far. It is stipulated by the Law on Environmental Impact Assessment that a notification about the project is presented to the affected party together with all available data regarding its potential impacts; the nature of a decision that can be made; time period in which the other country may declare its intention to participate in the process of environmental impact assessment.

11. *Describe the criteria your country uses to determine the time frame for the response to the notification from the affected Party (art. 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

No criteria for setting a time frame are stipulated by the national legislation of Montenegro, since it depends on the complexity of the project, for the purpose of a more detailed review of the documentation.

It is indicated in the notification presented to the affected party that if the affected party fails to respond within the specified time period, it will be deemed not to wish to participate in the transboundary procedure for environmental impact assessment.

In the event that the affected party seeks an extension of the deadline, Montenegro may extend the deadline.

12. *Describe when your country provides relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in article 3, paragraph 5. Already with the notification, or later in the procedure?*

Relevant information regarding the environmental impact assessment (EIA) procedure is provided by Montenegro on the occasion of notification (5 days for notification on the decision on the need for environmental impact assessment; 5 days for determining the scope and content; and 5 days for notification of the decision on approval).

13. *How does your country determine whether it should request information from the affected Party (art. 3.6)? When does your country normally request information from the affected Party? What kind of information does your country normally request? How does your country determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (art. 3.6)?*

List I of the Decree on the projects subject to environmental impact assessment, which is in accordance with Appendix I to the Espoo Convention, includes the projects that may have a transboundary impact.

Information will be requested from the affected Party if the project of the Party of origin can have an impact on the environment of Montenegro, within the specified time frame (that is within 5 days for deciding on the need for environmental impact assessment, 5 days for determining the scope and content, and 5 days for notification of the decision on approval). The competent authority may request from the affected Party any information of importance to identify and assess any possible direct and indirect impacts of the project on the environment. The request for information relevant to the identification and assessment of potential direct and indirect impacts of the project on the environment, includes a deadline within which the requested information has to be provide "promptly", depending on the case.

14. *Please describe:*

- a. *How your country cooperates with the authorities of the affected Party on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*

The Law establishes an obligation of the state authority responsible for environmental protection, as soon as possible and no later than within the deadlines for notifying its own public, to notify the other country (within 5 days for notification of deciding on the need for environmental impact assessment, 5 days for determining the scope and content, and 5 days for notification of the decision on approval). Opinions, comments and suggestions of the affected Party are take into consideration by the competent authority when deciding.

- b. *How your country identifies, in cooperation with the affected Party, the “public” in the affected area;*

Pursuant to national legislation, the public concerned it is the public which is affected or expected to be affected by the project, including non-governmental organizations dealing with environmental protection.

- c. *How the public in the affected Party is notified (what kinds of media, etc are usually used). What is normally the content of the public notification?;*

The Ministry of Spatial Planning and Environment is the authority responsible to conduct the procedure of transboundary notification and consultations among the parties involved. The notification is submitted to the Ministry of Foreign Affairs of Montenegro to be presented through diplomatic channels to the competent authority of the affected Party, which in turn notifies its own public in accordance with its regulations.

So far, Montenegro has had no experience in terms of notifying the public of the affected Party.

- d. *Whether the notification to the public of the affected Party has the same content as the notification to your country's public. If not, describe why not. At what stage in the EIA procedure does your country normally notify the public of the affected Party?*

Yes. The notification to the public of the affected Party contains the notification on the transboundary impact of the project together with all available data regarding its potential impacts, the nature of a decision that can be made, and time period in which the other country may declare its intention to participate in the process of environmental impact assessment.

The Law establishes an obligation of the state authority responsible for environmental protection, as soon as possible and no later than within the deadlines for notifying its own public, to notify the other country (within 5 days for notification of deciding on the need for environmental impact assessment, 5 days for determining the scope and content, and 5 days for notification of the decision on approval).

15. *Does your country make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and as listed on the Convention website (http://www.unece.org/env/eia/points_of_contact.htm)?*

Yes.

QUESTIONS TO AFFECTED PARTY

16. *Describe the process of how your country decides whether or not to participate in the EIA procedure (art. 3.3)? Who participates in the decision-making, e.g. central authorities, local competent authorities, the public, environmental authorities? Describe the criteria or reasons your country uses to decide.*

Having received the notification from the Party of origin, Montenegro, in accordance with the Law on Environmental Impact Assessment, collects the opinions, suggestions and comments of its general and expert public and then makes a decision whether to participate in the procedure of environmental impact assessment and notifies the competent authority of the country of origin accordingly.

The decision-making process involves the central authorities, the competent local authorities, public authorities responsible for environment and others by submitting opinions, comments and suggestions to the competent authority which makes the final decision.

The criteria or considerations that are used when deciding are defined by the:

- Rulebook on the content of documents to be submitted with the application to decide on the need for Environmental Impact Assessment (Official Gazette of Montenegro 14/07);
- Rulebook on the content of documents to be submitted with the application to determine the scope and content of Environmental Impact Assessment (Official Gazette of Montenegro 14/07);
- Rulebook on the content of Environmental Impact Assessment (Official Gazette of Montenegro 14/07);
- Rulebook on the content, form and manner of keeping public records of the proceedings and decisions on Environmental Impact Assessment (Official Gazette of Montenegro 14/07).

17. *When the Party of origin requests your country to provide information relating to the potentially affected environment, how does your country determine what is “reasonably obtainable” information to include in its response? Describe the procedures and, where appropriate, the legislation your country that would apply in determining the meaning of “promptly” in the context of responding to a request for information (art. 3.6)*

Until now, Montenegro, as the affected Party, has had no experience in providing information regarding the potentially affected environment. The concept of information "that can reasonably be obtained" means information that is available to or can be obtained by Montenegro to be submitted to the competent authority of the country of origin within the required time period.

The Law establishes an obligation of the state authority responsible for environmental protection, as soon as possible and no later than within the deadlines for notifying its own public, to notify the other country (within 5 days for notification of deciding on the need for environmental impact assessment, 5 days for determining the scope and content, and 5 days for notification of the decision on approval) with can be promptly interpreted.

18. *Please describe:*

a. *How your country cooperates with the authorities of the Party of origin on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*

The cooperation between relevant parties in the context of information exchange takes place through the Points of contact and the Ministry of Foreign Affairs of Montenegro.

b. *How your country identifies the “public” in the affected area;*

The "public" and/or "the public concerned" includes one or more natural or legal persons, associations and organizations, while the interested public is the public that is affected or is expected to be affected by the project, and whose environment may be threatened by the planned project.

c. *How the public is notified (e.g. what kinds of media, etc., are usually used). What is normally the content of the public notification?;*

Notification is carried out in accordance with national regulations, when the competent authority is obliged to notify the public. Notification is done through at least one local daily newspaper which is published in the area that will be affected by the planned project, as well as through electronic media. The concerned authorities and organizations are notified by the competent authority by mail, by fax and electronically.

The competent authority notifies the concerned bodies and organizations and the public concerned about the request for deciding on the need for environmental impact assessment, within five days of receiving a properly completed application.

The notification includes:

- 1) the name of the applicant;
- 2) the name of the project;
- 3) place and time to review the documents and of public hearings;
- 4) the name and address of the competent authority to which the opinions are submitted.

Interested bodies and organizations and the public concerned may, within seven days of receipt, i.e. publication of notification, provide their respective opinions to the competent authority regarding the submitted application.

d. *At what stage in the EIA procedure does your country normally notify its public?*

The Law on Environmental Impact Assessment stipulates the obligation of the administration body responsible for environmental protection to notify its own public in all stages of decision-making: 5 days for notification on deciding on the need for environmental impact assessment; 5 days for determining the scope and content of the EIA; and 5 days for notification about the decision and approval granting. Also, the public is notified of any decisions taken by the competent authority.

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

19. *What is the legal requirement for the minimum content of the EIA documentation (art. 4.1, appendix II)?*

The content of the EIA documentation is defined by secondary legislation - Rulebook on the content of EIA.

20. *Describe your country's procedures, if any, for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4.1).*

The issue of determining the scope and content of EIA is regulated by the Law on Environmental Impact Assessment (Article 15). It is stipulated that the project proponent can apply for determining the scope and content of the EIA. With the application, the following is submitted by project proponent: general information; site description; project description; a description of alternatives considered; a description of the segments of the environment; a description of the likely significant impacts of the project on the environment; a description of measures envisaged to prevent, reduce or eliminate significant adverse effects on the environment; summary information; information about any possible difficulties encountered by the project proponent regarding data collection and documentation; and a completed questionnaire to determine the scope and content of the EIA.

The content of the documentation is regulated in more detail by the Rulebook on the content of documents to be submitted with the application to determine the scope and content of EIA.

21. *How does your country identify "reasonable alternatives" in accordance with appendix II, paragraph (b)?*

Rulebook on the content of EIA includes a description of the alternatives considered. The description of alternatives considered includes an overview and description of alternatives studied by the project proponent, including an explanation of main reasons for the choice of a particular solution and impacts on the environment in terms of the choice, and relating to: the location or route; manufacturing processes or technology; methods of work during the execution and operation of the project; site plans and draft designs; type and choice of materials for the project implementation; time schedule for implementation and termination of operation of the project; date of beginning and completion of the project; size of the site or facility; the volume of production; pollution control; regulation of waste disposal

including recycling, re- use and final disposal; regulation of access and transport roads; responsibilities and procedures for environmental management; training; monitoring; plans for emergency situations, removal of the project and bringing the site back to its original condition (for fixed-term projects).

22. *How does your country identify “the environment that is likely to be affected by the proposed activity and its alternatives” in accordance to appendix II, paragraph (c), and how does it define “impact” in accordance with article 1(vii)?*

Rulebook on the content of documents to be submitted with the application to determine the scope and content of EIA, Appendix I, inter alia, contains a description of the segments of the environment that may be considerably exposed to a risk due to project implementation, including the population, fauna, flora, soil, water, air, climate, existing facilities, immovable cultural resources and archaeological sites, landscape and an interaction among these factors.

It also contains a description of the likely significant impacts of the project on the environment (direct and indirect, secondary, cumulative, short, medium and long-term, permanent, temporary, positive and negative) that may be the result of the project, the use of natural resources, pollutant emissions, odor generation and waste removal.

It additionally contains a description of the forecasting methods used in assessing the environmental impact, a description of measures envisaged to prevent, reduce or eliminate any significant adverse impacts on the environment, and a summary of such information.

The content of EIA is stipulated by the Rulebook on the content of EIA. It also stipulates a description of the segments of the environment. The description of segments of the environment includes information and data about the current state of all segments of the environment that will be affected the most by the planned project, and relating in particular to the population (population density and concentration), flora and fauna (data on rare and protected species), land (quality of soils, geological and geomorphological features), water, air quality, landscape and topography, climatic factors, state of development of the area and its surroundings, immovable cultural assets and protected natural resources and an interaction among these factors.

Also, it includes a description of likely significant impacts. The description of likely significant impacts of the proposed project on the environment includes both a qualitative and quantitative review of possible changes in the environment during the execution of the project, during its normal operation and in case of accident, as well as an assessment of whether the changes are of a temporary or permanent nature. The description includes in particular: 1) air quality, level and concentration of emissions of air pollutants and comparison with the indicators that are prescribed by norms and standards, meteorological parameters and climatic characteristics, and potential impacts on the transboundary air pollution; 2) water quality, the effects of pollutants on the quality of surface and ground waters and comparison with the indicators that are prescribed norms and standards, the possibility of affecting transboundary water pollution, 3) land, the physical effects (local changes in topography, soil erosion, landslides, etc.), the impact of pollutant emissions at the site of the planned project and the surrounding soil and comparison with the indicators that are prescribed by the applicable norms and standards, the impact on land use and natural resources, the quantity and quality of lost land, blocking mineral assets, disposal of waste, the local population, changes in population numbers and structure in connection with these potential impacts on the environment (population density, concentration, and migration), visual impacts, impacts of pollutant emissions, noise, vibration, heat and impacts of all forms of radiation on human health, 4) ecosystems and geology, loss of and damage to plant and animal species and their habitats, loss and damage of geological, palaeontological and

geomorphological features; 5) the purpose and use of land, developed and undeveloped land, agricultural land use, etc., 6) municipal infrastructure, transportation, water supply, energy, wastewater, waste generation and the like; 7) protected natural and cultural assets and their environment; 8) landscape features, etc.

23. *Does your country give the affected Party all of the EIA documentation (art. 4.2)? If not, which parts of the documentation does your country provide?*

Yes.

24. *How does your country cooperate with the authorities of the affected Party on distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible? How does the competent authority in your country (as the Party of origin) deal with the comments (art. 4.2)?*

The cross-border notification procedure is initiated by the Ministry of Spatial Planning and Environment. The EIA documentation is submitted to the competent authorities of the affected Party through diplomatic channels by the Ministry of Foreign Affairs of Montenegro, and through the points of contact.

The comments of the affected are treated by Montenegro in the same way as the comments of its own public.

The Environmental Protection Agency, within five days of public hearing, submits to the EIA to the Commission for Environmental Impact Assessment, including an overview of comments and opinions provided during the public consultation and public hearing. The Commission for Environmental Impact Assessment may request the project proponent to make some specific amendments to the EIA.

The project proponent is required to act upon the request of the Commission for Environmental Impact Assessment and submitted an amended EIA within the deadline set by the Commission. If the Project Owner fails to comply with the request, the Commission for Environmental Impact Assessment will continue to work on the basis of available documentation.

The Commission for Environmental Impact Assessment will prepare a report on the EIA evaluation, to be submitted together with its proposed decision to the Agency not later than within 30 days from the date of receipt of the EIA, including an overview of comments and opinions provided during the public consultation and public hearing, which is taken into consideration when making a proposed decision. The time given by the Commission to the project proponent to amend the EIA is not included in the time period given to the Commission to decide on the EIA evaluation.

25. *Describe the procedures and, where appropriate, the legislation that define the time frame for comments provided “within a reasonable time before the final decision” (art. 4.2)? What is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

The notification which is presented to the affected Party includes the deadlines within which a response, objections, suggestions and comments have to be provided. The deadlines depend on the complexity of the project.

If the comments, suggestions and objections are not submitted within a reasonable time period, Montenegro will take it as if there were no objections.

If so requested by the affected Party, Montenegro may extend the deadline.

26. *What material does your country provide, together with the affected Party, to the public of the affected Party?*

Documentation to be submitted to the affected Party is prescribed by law. The documentation consists of the notification (documentation on deciding on the need for environmental impact assessment; documentation to determine the scope and content of the EIA and the EIA), including the nature of a decision that can be made.

27. *Does your country initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

Yes. In accordance with national regulations on environmental impact assessment (EIA), there is an obligation of holding a public hearing in the process of deciding on the EIA approval.

The public hearing is open to both domestic public and the public of the Party of origin.

QUESTIONS TO AFFECTED PARTY

28. *Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (art. 4.2)?*

Depending on the complexity of the proposed project, Montenegro may seek an extension of the proposed deadline for the submission of objections, suggestions and comments...

29. *How does your country cooperate with the authorities of the Party of origin on the distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible?*

The cooperation with the competent authorities of the affected Party regarding distribution of the EIA documentation and submission of comments is carried out through diplomatic channels and through the points of contact.

30. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, with the legislation of the Party of origin, with ad hoc procedures, or with bilateral or multilateral agreements?*

The authority responsible for carrying out the environmental impact assessment procedure, which is the Environmental Protection Agency. Yes, public participation is organized in accordance with national regulations, but not excluding any ad hoc procedures or bilateral and multilateral agreements either.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

31. *At which step of the EIA procedure does the consultation in accordance with article 5 generally take place? Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of “undue delay”, with regard to the timing of the entry into consultation? Does your country normally set the duration for consultations beforehand? If there seems to be no need for consultation, how does your country determine not to carry out consultations?*

The notification of own public and notification in a transboundary context may be followed by the consultation with the affected Party.

Considering that the national legislation does not cover the procedures to be applied in determining the expression "without undue delay", ratified and published international treaties apply in terms of time limit for the beginning of consultations.

Deadlines for the duration of consultations are established during the consultations.

Consultations are carried out in accordance with the Espoo Convention and international treaties. It is determined in consultation with the affected Party whether the consultations will be held or not.

32. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

Consultations are held at the national level.

The representatives of national, regional and local authorities, and experts if required, can take part in the consultations. The Ministry of Spatial Planning and Environment is responsible for the consultations. Montenegro communicates by means of written communications and meetings.

QUESTIONS TO AFFECTED PARTY

33. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means does your country usually communicate in consultations, for example by meeting or by the exchange of written communications? How does your country indicate if there is no need for consultations?*

Consultations are held at the national level.

The representatives of national, regional and local authorities, and experts if required, can take part in the consultations.

Montenegro communicates by means of written communications and meetings.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

34. *For each type of activity listed in appendix I, identify what is regarded as the "final decision" to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2.3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

Final decision involves giving or refusing an approval of the EIA.

The project proponent can initiate no implementation of the project without conducting the procedure for environmental impact assessment and without an approval of the EIA by the competent authority.

The national legislation uses the term - Decision on approval or rejection of the request for the issuing of EIA approval.

Yes, all projects listed in Appendix I require such a decision.

35. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity (art. 6.1)?*

The project proponent can initiate no implementation of the project without conducting the procedure for environmental impact assessment and without an approval of the EIA by the

competent authority. In cases where the competent authority determines that all the measures anticipated by the EIA were not implemented, no use permit can be issued.

36. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6.1)?*

Yes.

37. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (art. 6.2)*

Final decision is delivered to the affected Party through diplomatic channels and through the points of contact.

The state administration body responsible for environmental protection notifies the state that participated in the process of environmental impact assessment about the decision on the EIA approval or rejection of the request for approval by providing notification on the content of the decision and requirements, if applicable, the grounds on which the decision is based, including reasons for acceptance or rejection of the submitted comments, suggestions and opinions of interested bodies and organizations and the public, the most important measures to be taken by the project proponent in order to eliminate, prevent, mitigate or repair the harmful effects.

38. *If additional information becomes available according to article 6, paragraph 3, before the activity commences, how does your country consult with the affected Party? If need be, can the decision be revised? (art. 6.3)*

In accordance with Article 28 of the Law on Environmental Impact Assessment, it is defined that in the process of decision making according to this Law the provisions of the Law governing general administrative procedure will apply to those matters which are not specifically regulated by this Law.

The decision may be revised, by taking into account any additional information about the significant transboundary impacts of planned activities, which were not available at the time of decision making.

Article 7

Post-Project Analysis

39. *How does your country determine whether it should request a post-project analysis to be carried out (art. 7.1)?*

Post-project analysis involves the implementation of measures provided under the EIA and a program for monitoring of the environment, as defined by the Law on Environmental Impact Assessment.

The Law establishes the obligation of implementation of measures provided by the EIA. The project proponent is required to implement all the measures envisaged in the EIA for which an approval was given. The competent authority will determine whether all the measures provided by the EIA were implemented by the projects for which the EIA approval was given. In cases where the competent authority determines that all the measures planned under the EIA were not implemented, no use permit can be.

Also, the law establishes an obligation of inspection control. In carrying out an inspection control, environmental inspector inspects in particular the following: whether the project

proponent has the decision of the competent authority regarding the need for environmental impact assessment; whether the project proponent obtained an approval of the EIA; whether the project proponent implements the measures from the EIA for which the approval was issued.

In addition to administrative measures and actions established by the law establishing the inspection supervision, environmental inspector is obliged, when a violation of the law or another regulation is confirmed, to take the following administrative measures and actions: order the project proponent to obtain a decision of the competent authority on the need for environmental impact assessment; order the project proponent to obtain an approval for the EIA; order the project proponent to implement the measures from the EIA; ordered the project proponent to carry out the monitoring of environmental impact; prohibit the project proponent to carry out the works until the approval of the EIA by the competent authority is provided.

Monitoring – environmental impact monitoring program contains an overview of the environment before setting the project into operation or commencement of activities at the locations where an impact on the environment is expected; the parameters based on which any adverse impacts on the environment can be identified; place, manner and frequency of measurements for the defined parameters; content and schedule of reports on the performed measurements; obligation to notify the public about the results of the monitoring.

40. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how does your country inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to article 7, paragraph 2?*

In cases where, as a result of post-project analysis, it is concluded that there is a significant transboundary impact of activities, information is exchanged through the points of contact.

Article 8

Bilateral and multilateral agreements

41. *Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

Montenegro signed a multilateral agreement under the Convention - the Multilateral Agreement of the SEE countries on the implementation of the Convention on environmental impact assessment in a transboundary context, in Bucharest in 2008.

This Agreement establishes obligations of the Parties to undertake all necessary legal, administrative and other measures to implement the provisions of the Convention, as well as the obligation to adopt criteria for identifying adverse transboundary impacts and ways of acting in the process of preparation of specific strategic, planning and development documents. Application of the provisions of this Convention allows preventive action to better protect the environment from the adverse impacts that may arise due to implementation of concrete projects in neighbouring countries.

42. *Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No, Montenegro established no supplementary points of contact pursuant to bilateral or multilateral agreements.

Article 9

Research programmes

43. *Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.*

Over the previous period, capacity building for EIA implementation was intensively worked on. The most recent project was implemented in cooperation with the Regional Environmental Center (REC), where some manuals were prepared for the practical application of the Law on EIA, SEA and IPPC.

Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment

44. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Montenegro ratified the First Amendment to the Convention on environmental impact assessment in a transboundary context, which was published in the Official Gazette of Montenegro - International Treaties 08/08.

45. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Montenegro ratified the Second Amendment to the Convention on environmental impact assessment in a transboundary context, which was published in the Official Gazette of Montenegro - International Treaties 08/08.

46. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

Montenegro ratified the Protocol on Strategic Environmental Impact Assessment in a transboundary context, which was published in the Official Gazette of Montenegro - International Treaties 02/09.

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2006–2009

Please report on your country's practical experiences of applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice; the goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

CASES DURING THE PERIOD 2006–2009

47. *Does your country's national administration have information on the transboundary EIA procedures that were under way during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If your country does not have any experience of applying the Convention, why not?*

Montenegro has had some experience as an affected Party in the context of EIA so far, as an affected Party for the HPP Dubrovnik II (participation in public hearings relating to the subject EIA and provided comments and suggestions on the subject EIA).

48. *Does your country object to the above list of transboundary EIA procedures being included in a compilation of such procedures to be made available on the website of the Convention? (Indicate “yes” if you object.)*

No. Notifications of national projects are published on the website, as will be done for the projects that may have a transboundary impact.

49. *Are there projects other than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.*

Until now, as a Party of origin, Montenegro has had no projects that could have a transboundary impact.

50. *Provide information on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

Until now, as a Party of origin, Montenegro has had no projects that could have a transboundary impact, so that no average duration of transboundary procedures can be discussed.

EXPERIENCE OF THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE IN 2006–2009

51. *If your country has had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

Although Montenegro had no practical experience of applying the Convention in the context of EIA, we believe that it represents an important instrument in protecting the environment.

52. *How has your country interpreted in practice the various terms used in the Convention, and what criteria has your country used to do this? Key terms include the following: “major change” (art. 1 (v)), “a reasonable time” (art. 3.2(c), art. 4.2), “promptly” (art. 3.6) and “a reasonable time frame” (art. 5). (Do not provide references to answers to earlier questions 6 (b), 11, 13, 25 and 31.) If your country experiences substantial difficulties interpreting particular terms, does your country work together with other Parties to find solutions? If not, how does your country overcome the problem?*

Montenegro has had no practical experience in applying the Convention so far, and consequently neither in the interpretation of these terms, but Montenegro is always open for cooperation with other parties in order to find solutions.

53. *Please share with other Parties your country’s experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country’s general experience. You might also include examples of “lessons learned” in order to help others.*

- a. *How in practice has your country identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?;*

In its practice so far, Montenegro has had no examples of a transboundary EIA.

- b. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?;*

In accordance with the Rulebook on the content of EIA, a description of likely significant impacts of the planned project on the environment includes both qualitative and quantitative review of possible changes in the environment during the execution of the project, during its normal operation and in case of accident, as well as an assessment of whether such changes are of a temporary or permanent nature. The description also includes potential impact on transboundary air pollution; potential impact on transboundary water pollution.

The content of the EIA documentation is specified in detail by the Rulebook on the content of EIA.

- c. *What methodology does your country use in impact assessment in the (transboundary) EIA procedure (e.g. impact prediction methods and methods to compare alternatives)?;*

Description of the site, description of the project, alternatives considered, and the selection of the most acceptable alternative; description of the segments of the environment; potential and significant impacts of the project on the environment and the measures envisaged to prevent, reduce or eliminate any significant adverse impact on the environment and a program for environmental impact monitoring.

- d. *Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions has your country applied?;*

Although the translation is not addressed in the Convention, it is important to point out in the notification the language in which an exchange of information will be carried out. The notification and supporting documentation will be submitted in the designated language. In cases of countries where some similar languages are spoken (countries of former Yugoslavia), documentation is provided in the Montenegrin language.

What has to be submitted to the affected Party is established by law.

- e. *How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? What has been your country's experience of the effectiveness of public participation? Has your country experienced difficulties with the participation of its public or the public of another Party? (e.g. have there been complaints from the public about the procedure?);*

Until now, Montenegro has had no experience in organizing any public participation in a transboundary context.

- f. *Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?;*

For now, Montenegro does not have enough experience in this regard.

- g. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;*

A decision on the EIA approval or rejection of the request for approval is communicated by the state administration body responsible for environmental protection to the state that participated in the process of EIA, by providing information about:

- 1) content of the decisions and any conditions, if applicable;
- 2) the grounds on which the decision is based, including reasons for acceptance or rejection of the submitted comments, suggestions and opinions of interested bodies and organizations and the public,
- 3) the most important measures to be taken by the project proponent to eliminate, prevent, mitigate or repair any harmful effects.

The decision is published when the final decision is made, which is then delivered to the affected Party through diplomatic channels and through the points of contact.

- h. Has your country carried out post-project analyses and, if so, on what kinds of project?;*

Until now, Montenegro has carried out no post-project analysis relating to the transboundary EIA procedures.

- i. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g. contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g. translation, interpretation, transmission of documents, etc.);*

Montenegro has had no joint cross-border projects so far.

- j. Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet"?*

Notification by the country of origin regarding the project HPP Plat II.

- k. Identify the most common means of applying the Convention (e.g. through focal points, joint bodies, multilateral agreements).*

Through the points of contact.

CO-OPERATION BETWEEN PARTIES IN 2006–2009

- 54. Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries?*

For now, Montenegro has no example of overcoming any difficulties due to different legal systems in practice

EXPERIENCE IN USING THE GUIDANCE IN 2006–2009

- 55. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented:*

- a. Guidance on public participation in EIA in a transboundary context;*

So far, Montenegro has had no experience in using those guidelines.

b. Guidance on subregional cooperation;

So far, Montenegro has had no experience in using those guidelines.

c. Guidelines on good practice and on bilateral and multilateral agreements.

So far, Montenegro has had no experience in using those guidelines.

CLARITY OF THE CONVENTION

56. Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in part one above or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which your country encounters when applying the Convention.

Although Montenegro has no experience in this regard, for any potential ambiguities it will address the Secretariat of the Espoo Convention.

AWARENESS OF THE CONVENTION

57. Has your country undertaken activities to promote awareness of the Convention among stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.

These actors are generally familiar with the Espoo Convention. Notification of the public in a transboundary context is published on the website of the Ministry of Spatial Planning and Environment, in accordance with national laws and the Espoo Convention. Public hearings also assist in raising the awareness about the Convention.

During the previous period some intensive activities were carried out to build the capacity for EIA implementation. The project which was implemented in cooperation with the REC, i.e. the manual for practical application of the Law on Environmental Impact Assessment, also contributes to the promotion of the provisions and standards of the Espoo Convention.

58. Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so? What relevant legal or administrative developments are proposed or ongoing?

Although Montenegro has no practical experience in the implementation of EIA procedures in a transboundary context, it is important to emphasize that Montenegro transposed the EU EIA and SEA Directives into its national legislation, and the SEA Protocol and the Aarhus Convention are being implemented.

Montenegro believes that some expert assistance by the Secretariat would be useful, in order to exchange best practices, regional cooperation, etc.

SUGGESTED IMPROVEMENTS TO THE REPORT

59. Please provide suggestions for how this report may be improved.

No suggestions for the time being.

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