

Questionnaire for the

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

in the period 2010–2012

**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

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 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 of MNE, no 80/05, Official Gazette of MNE, no 40/10).**
- **Regulation on Projects subject to Environmental Impact Assessment (Official Gazette of the Republic of Montenegro, no 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, no 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, no 14/07);**
- **Rulebook on the content of Environmental Impact Assessment (Official Gazette of Montenegro, no 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, no 14/07).**

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

**The draft Law on amendments of the Law on Environmental Impact assessment is in Parliamentary procedure. The draft Regulation on amendments to the Regulation on projects subject to Environmental Impact Assessment is being prepared. The draft Law and the draft Regulation are in accordance with Espoo Convention.**

3. *List the different authorities that are named responsible for the implementation of the EIA procedure in the transboundary context and domestically.*

**The Ministry of Sustainable Development and Tourism is competent authority responsible for the implementation of the Espoo Convention. The Environmental Protection Agency (EPA) is responsible for EIA procedure.**

**The Environmental Protection Agency is the authority responsible for implementing the procedure for environmental impact assessment. The Ministry of Sustainable Development and Tourism 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.**

4. *Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it.*

**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.**

5. *Does your country have special provisions for transboundary EIA procedures 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

6. *Is appendix I to the Convention transposed fully into your country's national legislation? Please describe any differences between the national list and appendix I to the Convention.*

**Yes, by the Law ratifying the Convention on Environmental Impact Assessment in a Transboundary Context - International Treaties of Montenegro, Official Gazette 08/08. The Espoo Convention is a part of a national legislation.**

**Also, it is worth to mention that the Appendix I of the Convention shall be fully transposed to the Regulation on projects subject to Environmental Impact Assessment (Official Gazette of the Republic of Montenegro 20/07) by last amendments.**

7. *Does your country's legislation already cover fully the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7)?*

**Yes, Montenegro has ratified The Espoo Convention with two amendments (First and Second amendment). It means that appendix I in the second amendment (ECE/MP.EIA/6, decision III/7) has been fully transposed to the Montenegrin legislation, by the Law ratifying the Convention on Environmental Impact Assessment in a Transboundary Context - International Treaties of Montenegro, Official Gazette 08/08.**

#### PUBLIC PARTICIPATION

8. *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?*

When pursuant to the Law on Environmental Impact Assessment, 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 on:

- 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 notification shall be distributed to the Competent authority responsible for Espoo convention (contact of point). Also the Notification shall be sent to the focal point.

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

9. *Describe how your country determines when to send the notification to the affected Party, which is to occur “as early as possible as and no later than when informing its own public”.*

**The Law on Environmental Impact assessment establishes an obligation of the 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.**

**So far Montenegro has had no cross-border projects.**

10. *Indicate whether and how the following provisions are reflected in your national legislation:*

- a. *The stage in the EIA procedure when your country usually notifies the affected Party (art. 3.1);*

**The Law on Environmental Impact assessment 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 (article 30 of the Law on Environmental Impact assessment) - the stage of granting or rejecting of EIA approval procedure.**

- b. The format for notification. Please indicate whether this is the format as decided by the first meeting of the Parties in its decision I/4 ( ECE /MP.EIA/2, annex IV, appendix). If not, does your country use a format of its own (in which case, please attach a copy of it)?*

**The format for notification ( ECE /MP.EIA/2, annex IV, appendix) was not used for any EIA projects, because Montenegro hasn't had EIA transboundary projects so far. This format was used in case of Montenegro's SEA (Strategic environmental assessment) plans (which had a transboundary impact).**

**Also, 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.**

- c. The time frame for the response to the notification from the affected Party (cf. art. 3, para. 3, "within the time specified in the notification"), the consequence if an affected Party does not comply with the time frame, and the possibility of extending a deadline;*

**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 should be 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 case that the affected party seeks an extension of the deadline, Montenegro may extend the deadline.**

- d. The request for information from the affected Party (art. 3 para. 6), necessary for the preparation of the EIA documentation;*

**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.**

**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.**

- e. *How your country cooperates with the authorities of the affected Party on public participation (art. 3, para. 8);*

**The Ministry of Sustainable Development and Tourism cooperates with competent authority responsible for the Espoo Convention of the affected party in both cases (case of Party of origin, and in case of affected Party). All relevant information is delivered to the competent authority and shall be presented to the public, concerned public, interested organisations, etc.**

**The Law establishes an obligation of the state authority responsible for environmental protection, as soon as possible to notify the other country. Opinions, comments and suggestions of the affected Party are taken into consideration by the competent authority when deciding on EIA approval.**

- f. *When and 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 Sustainable Development and Tourism 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.**

- g. *When and how the public in the Party of origin is notified (what kinds of media, etc., are usually used). What is normally the content of the public notification?*

**When the Competent Authority is obliged to inform the public, such information shall be made public in at least one local or daily paper published in the territory to be affected by the intended project, as well as by means of electronic media. The Competent Authority shall inform the authorities and organisations concerned delivering written notices by fax and electronic media.**

**According to the EIA procedure:**

**Screening - Decision on the need for conducting EIA Application: The Competent Authority shall inform the authorities and organisations and the public concerned of submitted application to decide on the need to conduct EIA.**

**The information shall contain (the name of the project developer; title of the project; place and time granted for examination of the documentation; name and address of the Competent Authority to which the opinion is to be submitted).**

**The authorities, organisations, and the public concerned can submit their opinions on the submitted application to the Competent Authority, or publication of the notification.**

**Scoping stages - Decision on the Scope and Contents: Application for the Decision on the Scope and Contents shall be submitted to the competent authority. The Competent Authority shall establish a Commission responsible for setting the contents and scope of the Study and**

its evaluation (Environmental Impact Assessment Commission), to determine the contents and scope of the Study and evaluate the Study.

The Competent Authority shall inform the project developer, authorities, organisations, and the public concerned about the proposal of the Commission on the scope and content of the EIA study.

In taking a decision, the Competent Authority shall take into account the opinions of authorities and organisations and public concerned.

**Decision on the Approval to the EIA Study:** Upon the receipt of the application for approval for the Study, the Competent Authority shall inform authorities, organisations and the public concerned about the manner, time and venue for public viewing, submission of opinions and remarks, as well as the time and venue for holding the public debate on the Study.

In taking a decision, the Competent Authority shall take into account the opinions of authorities and organisations and public concerned.

The Competent Authority is obliged to inform the authorities and organisations and public concerned about its decision making available the following:

- 1) contents of the decision and conditions, if stipulated;
- 2) grounds for the Decision, including the reasons for accepting or rejecting the comments, suggestions and opinions of authorities and organisations and public concerned;
- 3) if needed, the description of the most important measures the project developer is obliged to undertake in order to prevent, eliminate, mitigate or remediate harmful consequences.

*h. 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.*

**Yes. The notification to the public of the affected Party shall contain the notification on the transboundary impact of the project together with all available data regarding its potential impacts, in addition 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.**

*11. 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, annex III, decision I/3), and as listed on the Convention website ([http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm))?*

**Yes.**

#### QUESTIONS TO AFFECTED PARTY

*12. Indicate whether and how the following provisions are reflected in your national legislation:*

*a. How your country decides whether or not to participate in the EIA procedure (art. 3, para. 3)?*

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.

*b. The request from the Party of origin for information (art. 3, para. 6), necessary for the preparation of the EIA documentation;*

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.

*c. How your country cooperates with the authorities of the Party of origin on public participation (art. 3, para. 8);*

The cooperation between relevant parties in the context of information exchange takes place through the Points of contacts, Focal points and the Ministry of Foreign Affairs of Montenegro (diplomatic channels).

*d. When and how the public is notified (e.g., what kinds of media, etc., are usually used).*

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, the public and public concerned in at least one local or daily paper published in the territory to be affected by the intended project, as well as by means of electronic media.

The Competent Authority shall inform the authorities and organisations concerned delivering written notices by fax and electronic media.

## **Article 4**

### ***Preparation of the environmental impact assessment documentation***

#### **QUESTIONS TO PARTY OF ORIGIN**

*13. Indicate the legal requirements in your country, if any, related to:*



- a. *The content of the EIA documentation (art. 4, para. 1; appendix II);*

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

- b. *The procedures for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4, para. 1);*

**The legal basis for 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.**

- c. *The identification of “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).**

- d. *The procedures and format for providing the EIA documentation domestically;*

**The procedure is defined by the article 15 of the Law. The EIA Study analyses and assesses environment elements quality and their sensitivity at a certain site, mutual influence of the existing and planned activities, forecasts of direct and indirect impacts of project implementation to the environment as well as the measures and conditions for prevention, elimination, mitigation or remediation of harmful impact to the environment and human health.**

**The Study is an integral part of documentation necessary for obtaining a permit, an approval or authorisation for project implementation or for obtaining the certificate of occupancy.**

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

- e. The procedures and format for providing the EIA documentation to the affected Party. If there is a difference between the procedures and format domestically and for the affected Party, please explain;*

**When an intended project may have a significant impact on the environment in another state, or when another state whose environment could be significantly threatened requests so, the state authority responsible for environmental protection issues shall promptly, and not later than within the deadlines set forth for informing its own public, submit to another state the information concerning:**

- 1) the project, together with all available data on its possible impacts;**
- 2) the nature of the decision that may be adopted; and**
- 3) the period within which another state can announce its intention to participate in the impact assessment procedure.**

**There is no difference between the procedures and format domestically and for the affected Party. Once prepared EIA study shall be sent to the domestic public as well as competent authority to the affected party.**

- f. The procedures for the examination of, and the deadlines for comments on, the EIA documentation domestically, and how the comments submitted domestically are addressed;*

**As it is mentioned, the quality of EIA documentation is to be checked by the commission. The deadlines for comments are addressed by the competent authority. Within five days from the date of the public debate, the Competent Authority shall submit the Study to the Environmental Impact Assessment Commission together with the remarks and opinions obtained during the public viewing period and the debate.**

**In taking a decision, the Competent Authority shall take into account the opinions of authorities and organisations and public concerned.**

- g. The procedures for the examination of, and the deadlines for comments on, the EIA documentation from the affected Party, and how the comments submitted by the affected Party are addressed;*

**The quality of EIA documentation is to be checked by the Commission on EIA. The deadlines for comments are addressed by notification by the competent authority. The Competent Authority shall submit the Study to the Environmental Impact Assessment Commission together with the remarks and opinions obtained from affected party.**

**In taking a decision, the Competent Authority shall take into account the opinions of authorities and organisations and public concerned from affected party.**

*h. The procedures for public hearings domestically;*

**Within five days from the receipt of the application for approval for the Study, the Competent Authority shall inform authorities, organisations and the public concerned about the manner, time and venue for public viewing, submission of opinions and remarks, as well as the time and venue for holding the public debate on the Study.**

**The public debate may not be held sooner than 10 days from the day when the authorities, organisations and the public concerned were informed.**

**The public debate shall be organised and chaired by the Competent Authority.**

**The project developer and at least one person who participated in the Study elaboration shall participate in the public debate.**

*i. The procedures for public hearings held on the territory of the affected Party.*

**The procedures for public hearings held on the territory of the affected Party are to be held by the regulations by affected party.**

#### QUESTIONS TO AFFECTED PARTY

*14. Indicate the legal requirements in your country, if any, related to:*

*a. The procedures and deadlines for comments on the EIA documentation to be submitted to the Party of origin;*

**The procedures and deadlines for comments on the EIA documentation to be submitted to the Party of origin shall be specified by the notification of the party of origin. In case that procedures and deadlines are not specified by the notification, the procedures and deadlines are specified by Montenegrin Law on EIA. The whole procedure goes as a procedure domestically.**

*b. The procedures for public participation in the review of the EIA documentation domestically, and the authority responsible for the execution of the aforementioned procedures;*

**The public participation in the review of the EIA documentation domestically is provided. Also a public hearing is provided. The quality of EIA documentation is to be checked by the public, concerned public and Commission on EIA.**

**At the national level, EPA is responsible for the execution of the aforementioned procedures. On the local level, municipalities – secretariats for environment and spatial planning are responsible for mentioned procedures.**

*c. The procedures for the examination of the EIA documentation domestically.*

**The Competent Authority shall submit the Study to the Environmental Impact Assessment Commission together with the remarks and opinions obtained from affected party.**

**In taking a decision, the Competent Authority shall take into account the opinions of**

authorities and organisations and public concerned from affected party.

## Article 5

### Consultations

#### QUESTIONS TO PARTY OF ORIGIN

15. Indicate the legal requirements in your country, if any, related to the following provisions:

a. *The procedures for cooperation with the affected Party related to consultations;*

**In accordance with law on EIA the information and consultations with other states about potential transboundary impact shall be carried out based on the principle of reciprocity, in accordance with the international agreements concluded.**

**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.**

b. *The stages, procedures and deadlines for consultations with the affected Party;*

**The stages, procedures, and deadlines for consultations with the affected Party are carried out in accordance with Espoo convention and domestic EIA Law. The stage and deadlines are defined by domestic law, to. It means that the state competent authority shall promptly, and not later than within the deadlines set forth for informing its own public submit to another state the relevant information - Notification.**

**In the process of exchange of information, the concerned parties shall agree on further steps.**

c. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

**The stages, procedures and deadlines for consultations domestically, are the same as mentioned above. The public, concerned public, NGOs, etc. participate in the consultations.**

#### QUESTIONS TO AFFECTED PARTY

16. Indicate the legal requirements in your country, if any, related to the following provisions:

a. *The procedures for interaction with the Party of origin related to consultations;*

**Consultations are held at the national level, according to the Espoo Convention. 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.**

- b. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

**Domestically consultation shall be held according to the Law on Environmental Impact Assessment (already described). The consultations shall be carried out by competent authority. The public, concerned public, NGOs, etc. may participate in the consultations.**

## **Article 6**

### ***Final decision***

#### **QUESTIONS TO PARTY OF ORIGIN**

*17. Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The definition of "final decision" related to the implementation of the planned activity; the content of decisions; and procedures for their adoption;*

**Final decision means giving or rejecting 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 Competent Authority shall decide on granting the approval or rejecting the application for approval of the Study based on the report and proposals of the Environmental Impact Assessment Commission.**

**Within five days from receiving the report and proposals of the Environmental Impact Assessment Commission, the Competent Authority shall make and deliver to the Project Developer the Decision.**

**The Competent Authority is obliged to inform the authorities and organisations and public concerned about its decision, making available the following:**

- 1. contents of the decision and conditions, if stipulated;**
- 2. grounds for the Decision, including the reasons for accepting or rejecting the comments, suggestions and opinions of authorities and organisations and public concerned;**
- 3. if needed, the description of the most important measures the project developer is obliged to undertake in order to prevent, eliminate, mitigate or remediate harmful consequences.**

- b. *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, para. 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?*

**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.**

**„ Odluka o davanju saglasnosti ili odbijanju zahtjeva za davanje saglasnosti na elaborat“**

- c. The procedures for informing of the "final decision" domestically and for the affected Party;*

**The Competent Authority is obliged to inform the authorities and organisations and public concerned about its decision, making available the following:**

- 1. contents of the decision and conditions, if stipulated;**
- 2. grounds for the Decision, including the reasons for accepting or rejecting the comments, suggestions and opinions of authorities and organisations and public concerned;**
- 3. if needed, the description of the most important measures the project developer is obliged to undertake in order to prevent, eliminate, mitigate or remediate harmful consequences.**

**The state authority responsible for environmental protection issues shall inform the state that participated in the impact assessment procedure about the decision on granting or rejecting the approval to the EIA Study by providing information on:**

- 1) the contents of the Decision and conditions if they were set;**
- 2) the grounds for the Decision, including the reasons for accepting or rejecting the remarks, proposals and opinions of the authorities, organisations and the public concerned;**
- 3) the most important measures the project developer should undertake in order to eliminate, prevent, mitigate or remediate harmful impact.**

- d. 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, para. 1)?*

**Yes. The comments of the authorities and the public of the affected Party and the outcome of the consultations shall be taken into consideration in the same way as the comments from the domestic authorities and the public in country.**

- e. The opportunity to review the decision if, before the activity is implemented, additional information becomes available according to article 6, paragraph 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***

- 18. Indicate the legal requirements in your country, if any, related to:*

*a. Post-project analysis (art. 7, para. 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; order 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.**

*b. Procedures for informing of the results of post-project analysis.*

**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 and focal points.**

## **Article 8**

### ***Bilateral and multilateral agreements***

*19. 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.*

**Yes. Montenegro has 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.**

*20. 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 multilateral agreements.**

## **Article 9**

### ***Research programmes***

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

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

*22. 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 has 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.**

*23. 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 has 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.**

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



Montenegro has 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 2010–2012

*Please report on your country's practical experiences in 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; and 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 2010–2012

25. *If your country's national administration has a list of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list it.*

**Montenegro has been notified by Croatia (According to Espoo Convention, for HPP for Plat (2010) and Montenegro took part in EIA procedure.**

**Also, Montenegro as an potentially affected Party requested an EIA documentation for the projects of HPPs Buk Bijela and Foča from Bosnia and Herzegovina (Republic of Srpska 2012), and from Republic of Serbia for HPP project Brodarevo 1 i Brodarevo 2 (2012/2013).**

26. *Does your country object to the inclusion of the above list of transboundary EIA procedures 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.**

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

**Until now, Montenegro as a Party of origin, has had no projects that could have a transboundary impact. For time being it is not possible to provide an average duration of transboundary EIAs. After the completion of the EIA procedures the information and explanations on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole may be provided.**

### EXPERIENCE IN THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE DURING THE PERIOD 2006–2009

28. *If your country has had practical experience in the transboundary EIA procedure during the reporting period, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

**Montenegro has not had a practical experience in the transboundary EIA procedure during the reporting period 2006-2009.**

29. *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. *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?*

**Montenegro has had no experience in transboundary EIA as a Party of origin, but Montenegro has had a experience as an affected Party in 2011/2012 for the project of HPP Buk Bijela and Foča on Drina River, Republic of Srpska and HPP Brodarevo 1 and Brodarevo 2 on river Lim in Republic of Serbia.**

- b. *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?*

**As it was mentioned, so far Montenegro hasn't had projects that could have a transboundary impact. For some neighbouring countries there is no need for the translation. But for those countries that translations should be provided, documentation is being provided in English (experience with SEA procedure with Albania – for HPP on Morača river).**

- c. *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? 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)?*

**No, so far.**

- d. *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 time Montenegro is in consultations process with two neighbouring countries. After the completion of this process Montenegro may speak regarding the experience during consultations.**

- e. *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;*

**The communication goes through focal points, contact of points and diplomatic channels.**

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

**No.**

- g. *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.**

- h. *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"?*

**Montenegro has not had a cross border projects so far.**

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

**Focal points.**

#### CO-OPERATION BETWEEN PARTIES IN 2010–2012

30. *Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries? If so please specify.*

**For time being Montenegro has had no particular difficulty.**

#### EXPERIENCE IN USING THE GUIDANCE IN 2010–2012

31. *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 (ECE/MP.EIA/7);*

**The guidance helps to improve the knowledge in implementation of the Espoo Convention.**

- b. *Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix);*

**The guidance helps to improve the knowledge in implementation of the Espoo Convention.**

- c. *Guidelines on good practice and on bilateral and multilateral agreements (ECE/MP.EIA/6, annex IV, appendix).*

**The guidance helps to improve the knowledge in implementation of the Espoo Convention.**

CLARITY OF THE CONVENTION

32. *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?*

**So far Montenegro had no particular challenges in the implementation of Espoo Convention, but the main challenges are the scope and the manner of the interpretation of Espoo Convention by countries. Also, the timeframe is not foreseen by the Espoo Convention, which makes challenge in the implementation of the Espoo Convention.**

AWARENESS OF THE CONVENTION

33. *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. 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 and SEA implementation. The project which was implemented in cooperation with the OSCE Mission to Montenegro.**

**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.**

34. *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?*

Montenegro has no practical experience in the implementation of EIA procedures in a transboundary context, as a party of origin. 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 exchange of best practices of EIA transboundary procedures will help to promote and enhance a regional cooperation in implementations of Espoo convention, etc.

SUGGESTED IMPROVEMENTS TO THE REPORT

35. *Please provide suggestions for how this report may be improved.*

**No suggestions for the time being.**

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