

AARHUS CONVENTION IMPLEMENTATION REPORT

The following report is submitted on behalf of MONTENEGRO in accordance with decisions I/8, II/10 and IV/4

Name of officer responsible for submitting the national report:	Damjan Culafic, Minister Ministry of Ecology, Sustainable Development and Northern
Signature:	
Date:	

IMPLEMENTATION REPORT

Please provide the following details on the origin of this report:

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I. PROCESS BY WHICH THE REPORT HAS BEEN PREPARED

Provide brief information on the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, on how the public was consulted and how the outcome of the public consultation was taken into account and on the material which was used as a basis for preparing the report.

Answer:

Ministry of Ecology, Sustainable Development and Northern Region Development (formerly the Ministry of Tourism, Ecology, Sustainable Development and Northern Region Development ¹⁾ hereinafter: Ministry, initiated the process of preparing the Fifth National report on the implementation of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), in accordance with the obligations of Montenegro as a Party to the Convention. The report includes data on the implementation of the Aarhus Convention for the period 2021-2024.

The report was prepared by the Ministry, in cooperation with the authorities and organizations. To prepare the best possible report and starting from the need to ensure the highest level of transparency and enable pre-participation of the interested public in the initial phase of the report preparation, on April 23, 2024, the Ministry announced a public call for participation in consultations with authorities, organizations, associations and individuals, in order to submit proposals that they consider necessary to be included in the report. The public consultations lasted until May 10, 2024. There were no initiatives, proposals or suggestions from the interested public within the set deadline.

Also, we point out that on April 23, 2024, the Ministry published on its website and eGovernment Portal public call for proposing representatives of non-governmental organizations in the Working group for the preparation of the Fifth National report on the

¹ The new Decree on Organization and Manner of Work of State Administration ("Official Gazette of Montenegro" No. 98/23, 102/23, 113/23, 71/24) was adopted in July 2024, according to which the state administration was reorganized, thus the names of the ministries changed.

implementation of the Aarhus Convention, but there were no non-governmental organization applied for the public call.

After the preparation of the draft report, it was sent to all competent institutions for opinions, remarks and suggestions. The draft report was also published on the eGovernment web portal, on the website of the Ministry, on the website of the Environmental Protection Agency and NGO "Ozone"-Arhus Center, inviting the public, non-governmental organizations and other entities to submit their opinions and remarks. A public hearing on the Draft Report was organized in the period from October 25 to November 25, 2024. All suggestions and comments received are integrated into the Report.

Various materials were used to prepare the report, such as: current regulations of Montenegro, contributions and opinions of competent authorities and organizations, strategic documents adopted by competent authorities and organizations, reports on the work of competent authorities and institutions, reports on the state of the environment in Montenegro etc.

II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT

Report any particular circumstances that are relevant for understanding the report, e.g. whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have a direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

Answer:

The report on the implementation of the Aarhus Convention has been prepared for the fifth time. Montenegro ratified the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ("Official Journal of Montenegro – International Agreements", no. 03/09) and acceded to the Aarhus Convention on November 2nd, 2009. The Aarhus Convention entered into force on 02.02.2010.

Montenegro has not acceded to the GMO amendment to the Convention (Almaty, 2005). Montenegro ratified the Protocol on Pollutant Release and Transfer Registers (PRTR Protocol, Kiev, 2003), in July 2017 ("Official Journal of Montenegro – International Agreements", no. 6/17)

Provision of Article 9 of the Constitution of Montenegro states that the ratified and published international agreements and generally accepted rules of international law shall make an integral part of the internal legal order, shall have the supremacy over the national legislation and shall apply directly when they regulate relations differently than the national legislation.

Article 51 of the Constitution defines that everyone shall have the right to obtain information held by the state authorities and organizations exercising public authority. The right to accessibility of information may be limited if this is in the interest of the protection of life; morality and privacy; carrying of criminal proceedings; security and defence of Montenegro; foreign, monetary and economic policy.

The implementation of the Aarhus Convention in Montenegro has been satisfactory. However, it is necessary to continue to improve administrative capacities and provide financial funds required for its full implementation.

III. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE GENERAL PROVISIONS IN PARAGRAPHS 2, 3, 4, 7 AND 8 OF ARTICLE 3

List legislative, regulatory and other measures that implement the general provisions in paragraphs 2, 3, 4, 7 and 8 of Article 3.

Answer:

The transposition of appropriate provisions of paragraph 3 of Aarhus Convention is ensured through a number of regulations in MNE:

- Constitution of Montenegro ("Official Journal of MNE", no. 01/07,38/13)
- Law on Free Access to Information ("Official Journal of MNE", no. 44/12,30/17)
- Law on Electronic Administration ("Official Journal of MNE", no. 72/19)
- Law on State Administration ("Official Journal of MNE", no. 78/18,70/21,52/22)
- Law on Administrative Procedure (Official Journal of MNE", no.56/14,20/16,40/16,37/17),
- Law on Local Self-Government ("Official Journal of MNE" 2/18,34/19,38/20, 50/22, 84/22)
- Law on Government Employees and Civil Servants (Official Journal of MNE", no. 2/18, 34/19, 8/21,37/22)
- Law on Environment ("Official Journal of MNE", no. 52/16,73/19).
- Law on Preschool Upbringing and Education ("Official Journal of RMNE", no. 64/02, 49/07, 80/10, 40/16)
- Law on Elementary Education and Upbringing ("Official Journal of RMNE", no. 64/02, 49/07, "Official Journal of MNE", no. 45/10, 39/13,47/17, 59/21, 3/23)
- Law on Adult Education ("Official Journal of MNE" 20/11,47/17)
- Law on Non Governmental Organizations ("Official Journal of Montenegro", no.39/11,37/17).
- Law on Protector of Human Rights and Freedoms of Montenegro ("Official Journal of MNE" 42/11,32/14,21/17).

Explain how these paragraphs have been implemented. In particular, describe:

(a) With respect to paragraph 2, measures taken to ensure that officials and authorities assist and provide the required guidance

Answer:

Article 6 of the **Law on State Administration** states that "the work of state administration authorities shall be public" and that state administration authorities are obliged to inform the public about their work through the media, as well as through any other appropriate means. Regarding the relation between the state administration and citizens as defined in the provisions of Articles 51-59 of this Law, it is prescribed that state administration authorities and holders of public authority are obliged to have an official website, where they publish information about their work; to act in a lawful and timely manner upon the requests of citizens and legal entities and provide the necessary data, information and explanations and to provide appropriate professional assistance; they are obliged to provide an official e-mail address, as well as a book or mailbox where the parties can communicate proposals, remarks, praises and complaints about the work of state administration authorities or improper attitude of the officials.

The **Law on Electronic Administration**, adopted in 2019, additionally regulates the legal framework for secure and efficient electronic administration aimed at citizens and the economy, which, in addition to the Law on Electronic Document, the Law on

Information Security, the Law on Electronic Identification and Electronic Signature etc., forms the legal framework of e-government in Montenegro. The main goal of the legal regulation of the field of electronic administration is to encourage more efficient and economical operation of public administration authorities, which will enable citizens and the economy easier, faster and safer access to the services of authorities, by electronic means.

The main instrument for the regulation of access to information in the Montenegrin legislation is the **Law on Free Access to Information**.

Pursuant to **the Law on Free Access to Information**, access to information held by the authorities is based on the principle of free access to information, transparency in the work of the authorities, the public's right to know, fairness and equality and is implemented at the level of the standards contained in the ratified international Treaties on Human Rights and Freedoms and the generally accepted rules of international law. Every domestic and foreign natural or legal person is entitled to access the information without obligation to state the reasons and explain the interest of seeking information. The applicant has the right to choose the way he wants to achieve access to the requested information. Moreover, it is prescribed by the Law that the public authority shall provide access to information in the way requested by the applicant, unless such requested access mode is not technically feasible.

Public authority shall compile, publish and keep regularly updated a guide to access the information in their possession, which contains a catalog of documents including public registers and public records, address and e-mail address for submission of applications, contact phone number, details of responsible persons, the cost of access to information and other data that are important for access to information held by the authority.

The **Law on Environment** includes provisions which relate to access to information, public participation and access to justice, aiming to achieve complete approximation with the provisions of the Aarhus Convention.

The institution of the **Protector of Human Rights and Freedoms of Montenegro** also has a special role in achieving legal protection in environmental issues. Namely, the Protector of Human Rights and Freedoms of Montenegro (Ombudsman) is an independent and autonomous institution, whose task is to take measures to protect human rights and freedoms, when those have been breached by an act, action or inaction of state authorities, state administration bodies, local self-government and government authorities, public services and other holders of public authority, as well as measures to prevent torture and other forms of inhuman or degrading treatment and punishment, and measures for protection against discrimination. In addition to this function, the Protector has a wider mission, which is to create awareness of the need for the rule of law; of full and consistent protection of freedoms and rights of citizens and in general, creation of legal security of citizens; lawful and impartial work of all state authorities, before which citizens assert their rights, freedoms, obligations and legal interests.

(b) With respect to paragraph 3, measures taken to promote education and environmental awareness;

Answer:

Article 23 of the Constitution of Montenegro, as the supreme legal act of a country, states that “everyone shall have the right to a sound environment and to receive timely and full information about the status of the environment, to influence the decision-making regarding the issues of importance for the environment, and to legal protection of these rights, and that everyone, the state in particular, shall be bound to preserve and improve the environment”, while Article 51 prescribes, *inter alia*, that “everyone shall have the right to obtain information held by the state authorities and organizations exercising public authority”.

Article 4 of the Law on Pre-School Upbringing and Education defines that the aim of preschool education is, *inter alia*, the development of the positive attitude concerning the nature and environmental protection.

In addition, Article 2 of the Law on Elementary Education and Upbringing defines the aim of elementary education and upbringing is, *inter alia*, establishing and encouraging healthy lifestyle and a responsible attitude concerning environment.

Article 3 of the **Law on Adult Education** stipulates that one of the goals of adult education is raising the level of knowledge, skills and competences in the area of human democracy and environmental protection.

The Ministry, the Environmental Protection Agency and Aarhus Centres in Montenegro, in cooperation with relevant institutions, non-governmental organizations and international organizations, organized various educational workshops on environmental protection and implemented numerous activities to promote education and awareness of environmental issues during this period.

Also, special activities are organized every year, to mark important environmental dates, such as: January 26 - World Environmental Education Day, February 2 - World Wetlands Day, March 21 - World Forest Day, March 22 - World Water Day, April 22 - Earth Day, May 4 - International Bird Day, May 22 - World Biodiversity Day, May 29 - World Otter Day, June 5 - World Environment Day, September 16 - International Day for the Preservation of the Ozone Layer, September 20 - Day of the ecological state of Montenegro, October 4 - World Animal Day etc.

Indicated below are some of the environmental activities carried out in the reporting period:

in 2022:

- On 20 April, the Ministry celebrated the International Day of Noise Protection by organizing workshops aimed at educating and informing the public about legal measures and implementation of regulations in the field of noise protection in the environment;
- On 21 April, in the occasion of celebration of Earth Day, the Institute of Marine Biology in Kotor hosted an event for students specializing in biology and environmental protection, focusing on the promotion of protected marine areas in Montenegro within the framework of the EU Strategy for the Adriatic-Ionian Region (EUSAIR). The event was organized by the Office for European Integration and the Ministry;
- At celebration of 5 June, World Environment Day and 8 June, World Ocean Day, the Ministry conducted creative workshops for elementary school children in Petrovac adjacent to the Katič Nature Park, the second marine protected area in Montenegro. The workshop aimed at educating children about their role in preserving nature and environment through creativity and art;

- The NGO Montenegrin Society of Ecologists, with the support of the Ministry, organized a workshop on the topic of establishing an ecological network in Montenegro;
- The Ministry facilitated the implementation of BirdSaltPeople:FEST, an ecological festival featuring a diverse agenda held at the Ulcinjska Saltworks Nature Park. The festival is dedicated to the sustainable development and advocacy of protected areas across any segment, integrating culture, art, and local products with the enchanting beauty of the Ulcinj salt pan, and seeks to inspire sustainable innovative ideas and actions for environmental protection and preservation;
- Within the framework of "For a more beautiful and healthy Montenegro" project, the Environmental Protection Agency organized numerous promotional activities during this reporting period to emphasize the importance of ozone layer protection (lectures, animated films, games, distribution of thematic promotional material) at the General hospitals in Pljevlja and Berane, as well as in the secondary and primary schools. The initiative encompasses a number of greening actions, involvement in various ecological cleaning activities, as well as educational activities. <https://epa.org.me/za-ljepisu-i-zdraviju-crnu-goru/>

in 2023:

- On 24 April, in celebration of the "Earth Day", the Ministry, in cooperation with the NGO CZIP, organized a visit to the protected area of the "Ulcinjanska Solana" Nature Park for children from the "Ljubica Popović" and "Đina Vrbica" public institutions. The idea was to draw the attention of preschool children to the importance of preserving nature and its riches through educational interactions;
- On 19 September on the occasion of marking the Day of the Ecological State, the Ministry, in cooperation with the Regional Development Agency of Bjelasica, Komovi and Prokletije, and with the support of the GEF 7 project "Biodiversity mainstreaming into Sectoral Policies and Practices and Strengthen Protection of Biodiversity Hot-spots in Montenegro", in Andrijevica, organized a workshop on the topic "Biodiversity as a basis for sustainable rural development". The objective of the workshop is to raise the awareness of local producers and tourism service providers regarding the significance of biodiversity preservation as a prerequisite for sustainable rural development, particularly in relation to the development of support funds for producers in (future) protected areas;
- On 2 June 2023, a screening of the educational film "Do you miss me?" was held in Podgorica. The film aims to remind younger generations and society at large of nature's advantages and importance. The Ministry endeavours to promote the conservation of natural resources, biodiversity and the area of Montenegro. The film was additionally showcased at the Green Montenegro International Film Fest (GMIFF).
- In 2023, the Environmental Protection Agency marked ecological dates with a series of ecological initiatives;
- The Agency, in cooperation with the Institute for Education and the IDEA brand, launched the ecological campaign "Together for an ideal environment", while in

- cooperation with NLB Bank, it organized donations of seedlings for educational institutions throughout Montenegro;
- at the end of 2023, the Ministry, in cooperation with the renowned consulting firm Green Environment Services and the creative team of the Design Box agency, created a package of information related to air pollution and its effects on human health aimed at general public. This information package addresses numerous critical challenges that arose each winter, as air quality in Montenegro, especially in the northern region, deteriorates rapidly due to the increased need for heating of households that predominantly utilize solid fuels for heating. The information sheets are written in a simple way and contain numerous illustrations so that the information provided is clear and complete. In this way, the Ministry wants to further motivate citizens' participation in decision-making in the field of environmental protection and point out the need for long-term planning and changing habits and responsible behavior.

In 2024:

- For the needs of the Office for European Integration, and in cooperation with the Ministry, CEZAM produced a documentary-promotional film "Return to the Sea" for protected marine areas in Montenegro within the framework of the EU Strategy for the Adriatic-Ionian Region (EUSAIR). The film was shot in the municipalities of Bar, Budva and Ulcinj and Kotor, and was shown in the Municipality of Ulcinj-Stari Grad, the Municipality of Plav, the Ribnica Cultural Center, as well as at the Green Montenegro International Film Fest (GMIFF);
- An educational video was created and presented in order to raise awareness of the importance of wetlands for people and the country, published on 2 February 2024 for the International Day for the Protection of Wetlands and Wetland Areas. The managers of protected areas, which are also Ramsar areas, and the NGO CZIP- participated in the development of the video.
- On 29 April, the Ministry held an initial workshop on the occasion of the start of the National Biodiversity Strategy project with an action plan. The workshop was attended by representatives of relevant institutions, organizations, municipalities and NGOs.
- In cooperation with the NGO Center for the Protection and Study of Birds, the competition "House decorated by swallows" was announced. The contest lasted from 5 to 15 June 2024. Individuals and legal entities from the territory of Montenegro who have at least one occupied nest of some kind of swallow on their house, apartment, building or property had the right to participate in the competition;
- In March 2024, as part of the EU4GREEN project (2022-2025), the Ministry organized a workshop with partners from the Austrian Environment Agency. on the topic "Methodology of monitoring the EU directive on habitats and their implementation in Montenegro", gathering representatives of the non-governmental sector: NGO CZIP, Association of Parks of the Dinarides: network of protected areas of the Dinarides and the Montenegrin Society of Ecologists;

- On Earth Day, the Ministry and the Agency for Environmental Protection organized a number of different initiatives: cleaning the Cijevna Riverbed of waste tires, mapping the waste water outlet on the Zeta River, cleaning and greening the yard in front of the Ministry and Agency building; greened the yards of educational institutions in several municipalities and educated students about the importance of preserving the planet;
- On 20 September 2024, the Ministry, the Agency, the Eco Fund and the Public Enterprise for National Parks of Montenegro organized a program dedicated to children, in order to encourage their awareness of environmental protection from an early age;
- In the organization of the Environmental Protection Agency, several round tables were held on environmental topics, "Climate change in Montenegro"; "The impact of noise on the environment"; "Hollows and Caves of Montenegro - potential, management and conservation problem"; " Marine ecosystem - monitoring and protection"; "Allergenic pollen - monitoring, condition and impact on human health";
- the Waste Paper Collection Action of the employees of the Environmental Protection Agency, the Institute for Hydrometeorology and Seismology and the Traffic Administration was organized. On that occasion, a total of 660 kg of waste paper was collected, which was then handed over to the waste collector and processor. This set an example of good practice.
- At the invitation of educational units from the Eco School Program, JPU "Đina Vrbica" - Podgorica, and on the occasion of 5 June, World Protection Day of the environment, representatives of the Environmental Protection Agency visited and were educators in the mentioned educational institution.
- On 1 November 2023, organized was a conference on "Circular Economy in Eco-Schools" by the Institute of Education of Montenegro, as part of the activities of the International Eco-School Program. The circular economy project in Eco-schools was launched with the aim of raising awareness among children in educational institutions about the importance of the circular economy and its connection with the global goals of sustainable development, including the fight against climate change, the preservation of biodiversity and the reduction of environmental pollution.
- In the period from 1 to 12 July 2024, the **Aarhus Caravan** was organized, a project initiated by the Ministry, in cooperation with the Eco Fund, the Environmental Protection Agency and the Aarhus Centers. The caravan, which lasted two weeks, passed through all 25 municipalities in Montenegro, where the results of these institutions were presented through conversations with citizens, representatives of the public and private sectors. On behalf of the Ministry, the new **Law on Waste Management**, which was adopted in April 2024, was presented. The main provisions that the Law obliges are the establishment of an extended producer responsibility system, and from October 20, 2024, the use of lightweight plastic bags (wall thickness from 15 to 50 microns) is prohibited, as well as the ban on single-use plastics. The Ministry organized a campaign lasting

- several weeks to present this Law and its bylaws, with the aim of informing the public and all subjects as much as possible about the aforementioned prohibitions and other prescribed innovations. During the Aarhus Caravan, canvas bags were distributed bags, all with the aim of reducing the use of plastic bags. The target groups that contributed and showed interest in the realization of the Aarhus Caravan are representatives of municipalities, utility companies, journalists, representatives of non-governmental and tourist organizations, as well as interested citizens.
- In the period from 3 to 6 October 2024, the Environmental Protection Agency, in cooperation with UNIDO, as the implementing agency, organized training for the teachers of the Secondary Vocational School "Ivan Uskokovic" Podgorica and Secondary Mixed School "Mladost" Tivat, who implement education programs related to refrigeration and air conditioning technology. The training was organized as part of the activities provided by the project "Plan for the elimination of HCFC substances (phase II) with the aim of establishing a sustainable system of training and certification of service technicians for the proper handling and servicing of refrigeration and air conditioning devices. The manuals "Good service practice in refrigeration and air conditioning" and "Manual for service technicians of refrigeration and air conditioning" were prepared for training purposes. Earlier, during September, the Agency carried out additional equipment for these schools and allocated equipment for their use (collection device, vacuum pump, scale, brazing kit, manometer group, leak detector, etc.), and contracts were concluded with the schools. on business and technical cooperation.
 - In November 2024, the Ministry organized the event "Green Games" for primary and secondary school students, with the aim of promoting the culture of correct waste recycling, which is transferred from school to family and civil society.

The Public Enterprise for National Parks of Montenegro and the Fund for Environmental Protection (Eko Fund) also in the reporting period implemented a large number of educational workshops, intended primarily for preschoolers, students in primary and secondary schools, as well as students, with the aim of promoting environmental protection.

(c) With respect to paragraph 4, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;

Answer:

In Montenegro, the issue of establishment of NGOs is regulated by **the Law on Non-Governmental Organizations**. This law regulates the manner of establishment, registration and removal from the register, status, authorities, funding and other issues of importance to the work and activities of non-governmental organizations. NGOs are legal entities, which status is acquired on the date of registration, and the work of NGOs is public (Article 6). It is also stipulated by the Law that the state shall provide support to

non-governmental organizations by allocating such financial aid in the budget, in addition to the introduction of tax exemptions and other benefits for non-governmental organizations (Article 31). Specifically, in the annual Law on Budget of Montenegro funding is provided for projects and programs in the areas of public interest that are implemented by NGOs, which *inter alia* includes the area of environmental protection (Article 32).

In accordance with the above, the Government of Montenegro annually adopts a **Decision on determining priority areas and the amount of funds for financing projects and programmes of non-governmental organizations**, which determines priority areas of public interest in which the Budget of Montenegro will finance projects and programmes implemented by non-governmental organizations and the amount of funds for financing these projects and programmes. Pursuant to the Law on Non-Governmental Organizations, state administration authorities submit, for the coming year, reasoned proposals of priority areas of public interest and necessary funds for financing projects and programmes of non-governmental organizations in those areas to the ministry in charge of administrative affairs by June 1 of the current year. Proposals shall be made based on established strategic and planning documents and after consultations with non-governmental organizations concerned operating in the relevant field of public interest. The distribution of funds for financing projects and programmes of non-governmental organizations shall be decided by the commission for distribution of funds to non-governmental organizations, which is formed by the state administration authority in charge of that area, and based on a public tender.

Article 8 of the **Law on Environment** defines that environmental protection, within their rights and obligations, is ensured by: state authorities, state administration authorities, local self-government units, national and international legal and private entities, non-governmental organizations, citizens and associations of citizens. Further, Article 14 prescribes that non-governmental organizations shall contribute to environmental protection in line with their programmes and special regulations, and that the state shall encourage participation of non-governmental organizations in decision-making and implementation of decisions which are important for environmental protection. Also, Article 78 of this Law stipulates that funds for the protection of the environment shall also be used to co-finance organized activities in implementing measures in the field of environment as part of the functioning of environmental NGOs.

Pursuant to the **Law on Non-Governmental Organizations**, and in reference to the Decision on determining priority areas of public interest and the amount of funds for financing projects and programs of non-governmental organizations, the Ministry approved in **2021**: (1) financing of 7 NGO projects/programs for the implementation of educational campaigns in the field of safe management of chemicals, in the amount of EUR 50,000.00; and (2) financing of 20 NGO projects/programs, in the amount of EUR 80,000, in order to carry out activities on the implementation of projects with the aim of strengthening environmental awareness about the separate collection of municipal waste, organic waste management and waste composting, as well as the elimination of plastic bags and other plastic materials from waste. Moreover, in 2021, the Ministry procured 150 bins for the selective collection of waste (paper and plastic) for primary and secondary schools in Montenegro.

During 2022, under the Ministry's contract with non-governmental organizations, activities were carried out to implement projects with the aim of strengthening environmental awareness in the field of waste management, when 21 contracts were

signed with the NGO sector, in the total amount of EUR120,000.

In 2023, the Ministry supported 28 projects/programs of non-governmental organizations in the field of the environment, being as follows: 21 projects/programs of NGOs in the field of waste management in the total amount of EUR150,000.00, and 7 projects/programs of non-governmental organizations in the field of chemicals, in the total amount of EUR 50,000.00.

Projects/programs of non-governmental organizations in the field of chemicals related to the implementation of educational campaigns on the dangers of exposure to mercury and mercury compounds. The goal of implementing these projects is to improve the availability of information about mercury, as well as to raise public awareness of the impact of mercury on human health.

Projects in the field of waste management were related to the strengthening of environmental awareness, especially to extending the service life of sanitary landfills, to the disposal of waste in improper places and to the extended responsibility of producers of special types of waste.

The Ministry, in cooperation with the Ministry of Public Administration, will continue cooperation with non-governmental organizations in the forthcoming period, with the aim of strengthening environmental awareness.

In addition to the above, the **Environmental Protection Fund (Eko fund)** has active cooperation with non-governmental organizations. Every year, the Eco Fund organizes a public competition for the allocation of grants (subsidies) for environmental protection, preservation and improvement projects to non-governmental organizations (civil society organizations). The public tender is published in print media and on the Eko-fond website <http://www.eko-fond.co.me/>. The aim of the public tender is to provide financial support to non-governmental organizations in the implementation of projects in the field of environmental protection, preservation and improvement, as well as the fight against climate change.

Thus, according to this public tender in **2023**, the total value of the project was EUR 60,000.00, and the amount of the subsidy was up to 80% of the eligible costs, or up to EUR 12,000.00. Pursuant to this public competition, 6 non-governmental organizations received grants (subsidies). The executive director signs the contracts with the users of the funds, after which the implementation of the project and reporting on the realized activities on a monthly basis begins.

The same public competition was announced in July **2024**, and the allocated amount of funds amounted to EUR 100,000.00, or EUR 20,000.00 per beneficiary. The Eco Fund will allocate non-refundable financial resources (subsidies) for projects within the following topics: Mapping of illegal landfills in local self-governments and development of a software solution; Analysis of the state of temporary landfills in Montenegro; Promotion of new technologies in the waste management process; General regulation plan of the System of green areas as a planning basis for new green areas in urban areas; Non-financial reporting of business entities in the context of the impact on climate change.

In July 2024, the state administration was reorganized when a separate ministry for cooperation with non-governmental organizations was established - the Ministry of Regional Investment Development and Cooperation with Non-Governmental Organizations, which will contribute to strengthening the cooperation between state administration bodies and non-governmental organizations.

(d) With respect to paragraph 7, measures taken to promote the principles of the Convention internationally, including:

- (i) Measures taken to coordinate activities within and between ministries to inform officials involved in other relevant international forums about Article 3, paragraph 7, and the Almaty Guidelines, indicating whether the measures to coordinate are ongoing;
- (ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which the access to information was provided;
- (iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g. inviting NGO members to participate in the Party's delegations in international environmental negotiations or involving NGOs in forming the Party's official position for such negotiations) including the stages at which the access to information was provided;
- (iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;
- (v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;

Answer:

The principles of the Aarhus Convention are promoted through cooperation with international organizations and institutions, as well as the participation of our country in various conferences, workshops, seminars, etc.

During 2022, the implementation of the regional project **EU4Green** - Support for the implementation of the Green Agenda for the Western Balkans commenced, in which Montenegro also participates. The project is financed by the European Commission, while the Environmental Protection Agency of the Republic of Austria is responsible for implementation. The EU4Green aims to support sustainable recovery and green economic growth in the context of the post-COVID-19 pandemic, and to strengthen communication and cooperation between decision-makers, key regional institutions and stakeholders. The **key objectives** of EU4Green, among others, refer to: **Involvement of civil society and other interested parties:** EU4Green aims to improve the knowledge of civil society organizations about the pillars of the Green Agenda and encourage the significant involvement of the expertise of these organizations in decision-making processes; **Improving understanding of the Green Agenda through communication activities:** The goal of EU4Green is to raise public awareness and understanding of the importance and goals of the Green Agenda, by emphasizing the benefits of the Green Agenda and best practice examples for its implementation; **Strengthening green education:** Innovative teaching methods will be introduced, especially the development of modules for micro-credentials, in cooperation with the Initiative for Education Reform in Southeast Europe. These modules are designed to develop the most important green skills, including key areas such as environmental awareness, energy efficiency and sustainable agriculture. The delegation of the Ministry participated in the first Ministerial Conference on the Green Agenda for the Western Balkans, 7-8 October 2024, Hamburg, Germany.

In December 2022, the implementation of the project **"Strengthening the synergy between the Basel, Rotterdam, Stockholm and Minamata Conventions"** commenced, which aims to improve cooperation between ministries and agencies, industry, scientific institutes and civil society organizations in the field of chemicals and waste management through: drafting of documents , capacity building and awareness

raising activities and establishment of an efficient national reporting mechanism for the Basel, Rotterdam, Stockholm and Minamata Conventions. Through this project, in July 2024, "a public call for NGOs was published under the name "Awareness Campaign on Chemicals and Waste Management". The aim of the call is to improve public awareness, i.e. the engagement of NGOs in relation to the management of chemicals and waste, and the use of the capacities of NGOs and their channels for the distribution of relevant information, especially to vulnerable groups, the scientific and business community, to as many residents as possible, while at the same time improving knowledge and interests of NGOs in chemicals.

During 2023, Montenegro actively participated in the activities of the **Pan-European Program for Health, Environment and Transport related to determining the content of the regional sustainable transport strategy**. PEP - Pan European program is a unique model of intersectoral policy coordination in the field of transport, health and environment and a platform for international cooperation and exchange of good practices, which was jointly established by the United Nations Economic Commission for Europe (UNECE) and the Regional Office for Europe of the World Health Organization . The goal of the program is to help UNECE and WHO member countries, as well as other interested parties, in the development and implementation of sustainable traffic policies that emphasize health and the impact of traffic on the environment.

In the project of the Swedish Environmental Protection Agency, Montenegro was chosen as a pilot project of the regional **air quality** program for the Western Balkans. The project has several components related to the improvement of reporting on air quality, capacity building, both at the national and local level, strengthening of regional cooperation and exchange of experience in this area. The following documents were also developed: ▪ Guide for children and young people - familiarization with the basic principles of monitoring and preserving air quality; ▪ Guidelines for gender-aware air quality policy in Montenegro; ▪ Analysis of available data on the impact of air pollution on human health. Manual with a catalog of measures for local self-government units to reduce air pollution.

Within the framework of the Project "Plan for the Implementation of the Kigali Amendment" during 2023, in cooperation with UNIDO as the implementing agency, a Plan for the Implementation of the Kigali Amendment (Plan to reduce the consumption of HFCs) was prepared.

The plan was prepared in accordance with the **"Instructions for the preparation of the Plan to reduce the consumption of HFC meetings"** approved by the ExCom of the Multilateral Fund for the Implementation of the Montreal Protocol and was sent for further procedure and adoption at the 94th ExCOM meeting (27-31 May 2024). Moreover, within the framework of the Project in the period 29-30. In November, the workshop "Kigali amendment - Plan to reduce the consumption of HFCs in Montenegro" was organized. The goal of the workshop was to present relevant interested parties with information about Montenegro's obligations under the Kigali Amendment; presentation of consumption and use of HCFC/HFC refrigerants in Montenegro; to familiarize themselves with the national legislation and the new EU regulation for reducing the consumption of HFC refrigerants in the European Union. The workshop was attended by representatives of: state institutions, importers of equipment and cooling fluids, representatives of the refrigeration and air conditioning sector, and educational institutions, etc.

As part of this Plan, a brochure "Reducing the consumption of HFC refrigerants in Montenegro - Roadmap" was developed. Given that this expert meeting is another opportunity to point out the importance of the Montreal Protocol on Substances that Deplete the Ozone Layer in the recovery of the ozone layer and its contribution to climate action, the Agency has also prepared a brochure "Contribution of the Montreal Protocol in achieving the goals" for the purpose of the meeting sustainable development".

From 8 to 12 July 2024, the 46th meeting of the **Open Working Group of the Montreal Protocol took place in Montreal**, Canada. The meeting was attended by representatives of the Environmental Protection Agency, who held a presentation on the topic "The experience of the country in managing the data register of equipment containing controlled substances and the use of the obtained data", organized as part of the Cool Up program. The aim of the meeting was to point out the importance of implementing equipment registers that contain data related to equipment, as well as the use of data from the register for the purposes of Kigali Implementation Plans (KIP), national GHG inventories according to the UNFCCC, etc. The data register (database) for Montenegro was created as part of the activities within the Project Plan for the Elimination of HCFC Substances (Phase I) and contains data on equipment records, equipment owners, service companies, imports/exports of substances and products, etc. Data entry in the software is done continuously.

Various projects, financed from the state budget and international funds, started earlier with the activities of collecting and analyzing relevant data for the establishment of the ecological network **Natura 2000** in Montenegro. These efforts continue through the EU-funded project "Support in the establishment of Natura 2000 ecological network areas in Montenegro", which began implementation on 29 May 2024, with an implementation period of 3 years. This project will contribute to the improvement of information on the species and habitats listed in the directives in this area and present in Montenegro, by implementing mapping and data collection activities in selected areas of the country. To this end, as well as to increase Montenegro's capacity in this area, the Environmental Protection Agency published in July 2024 a public call for interested experts to be included in the project's expert team. This includes participation in training focused on data collection and processing methodologies for the identification of potential areas of the Natura 2000 ecological network. The evaluation of applications will be carried out by key experts of the EU project and members of the project beneficiaries, the Ministry and the Environmental Protection Agency.

The Ministry continuously cooperates with **environmental NGOs in the context of the negotiation process** with the EU. In February 2024, the Government of Montenegro adopted a new Decision on the establishment of a Working Group for the preparation of negotiations on Montenegro's accession to the European Union for the area of the EU Acquis relating to Negotiating Chapter 27 - Environment and Climate Change, which includes two NGOs from the field of environment, in which way non-governmental organizations were given the opportunity to participate in the negotiation process for the accession of Montenegro to the European Union.

During this reporting period, regular meetings of the Working Group for Chapter 27 were held, where representatives of non-governmental organizations, as members of the Working Group, had the opportunity to participate in the work of this Chapter. Additionally, the minutes of the meetings of the Working Group, as well as all relevant documents, are published on the website: www.eu.me

Coalition 27² organized the presentation of the Shadow Report for Chapter 27: "A Drop of Progress in a Sea of Obligations", which took place on May 30, 2024, in Podgorica. The aim of the shadow report was to present an overall picture of Montenegro's progress in the EU accession process for the period from June 2023 to May 2024, in terms of improving the situation in the field of environmental protection and climate change.

In addition to the above, representatives of **non-governmental organizations** participated in numerous conferences, meetings and workshops, such as:

In the period 2021-2024, the NGO Waterworks Association of Montenegro, in cooperation with the Association of Municipalities, regularly participates in the organization of the International **Conference on Water**. The conference deals with current topics in the field of water supply and wastewater disposal in Montenegro, the region and beyond, and they are discussed by domestic and international experts who, with their participation, contribute to the quality exchange of experiences and best practices in this sector. The Fifth International Conference on Water - Montenegro, organized by the Association of Waterworks of Montenegro and the Union of Municipalities of Montenegro, was held in Budva from 9 to 11 October 2024.

The NGO Center for the Protection and Study of Birds - CZIP organized the International Conference on the Protection of Skadar Lake on 13 December 2023 in Podgorica. The aim of the conference was to discuss the issue of protection of Lake Skadar at the national and international level. The conference was held within the framework of the project "SOS Skadar lake-Keeping the Montenegrin Wilderness Wild" which was financially supported by the Partnership Fund for Endangered Ecosystems (CEPF);

As part of the project **"Integrating biodiversity into sectoral policies and practices and strengthening the protection of key points of biodiversity in Montenegro"** (GEF 7), which is being implemented by the Ministry in Podgorica from 18 to 20 September 2024, in cooperation with the NGO Program for the Environment (EnvPro), a three-day knowledge exchange seminar on the topic of biosphere reserves was organized. The special focus of the seminar was on the establishment of a transboundary Biosphere Reserve of the Skadar Lake Basin, as well as improving the management of the Biosphere Reserve of the Tara Basin. Through this project, a website (<https://biodiversitymontenegro.me/>) was created, on which there is an interactive map that shows the most important conservation areas characterized by the presence of a large number of species and habitats of excellent and good representativeness; as well as maps and information about areas with international protection status in Montenegro. This interactive map is available to the public.

The promotion of the principles of the Aarhus Convention is also carried out through the project **"Promoting the management of protected areas through the integrated protection of marine and coastal ecosystems in the coastal area of Montenegro"**, which is implemented by the Ministry in cooperation with the United Nations

² Coalition 27 is an informal network of non-governmental organizations in Montenegro, which was formed in order to monitor and participate in civil society organizations in the process of advocacy and promotion of the European acquis in the field of environment and climate change in Montenegro. The mission of the coalition is to advocate and encourage public participation in the process of accession negotiations between Montenegro and the EU and propose solutions that will contribute to the protection and improvement of the environment and the quality of life of citizens on the state of the environment. (more information on the website <http://koalicija27.me/>).

Environment Program - UNEP, with the aim of establishing protected nature areas in coastal area of Montenegro.

Through the implementation of the UNESCO program "Man and the Biosphere" (MAB)-Tara River Basin, through the Montenegrin National Commission for UNESCO, there is continuous communication with the competent bodies of UNESCO in order to inform them about the state of exceptional universal value of NP "Durmitor".

In the context of the implementation of the Convention on Environmental Impact Assessment in a Cross-Border Context - the **Espoo Convention**, as well as the **Protocol** on Strategic Environmental Impact Assessment, an exchange of information was carried out in a cross-border context, which mainly related to hydropower facilities in neighboring countries, i.e. countries of the Western Balkans. So, for example, in the course of the cross-border consultation with the Republic of Serbia for the draft of the Spatial Plan of the special purpose area of the reversible hydroelectric power plant "Bistrica" and the hydroelectric power plant "Potpeć". In order to inform and consult the public, the relevant documentation can be found on the website of the Ministry: <https://www.gov.me/clanak/prekogranicne-konsultacije>

Cross-border consultations with the Republic of Serbia for the Draft Energy Development Strategy of the Republic of Serbia until 2040 with projections until 2050 are ongoing <https://www.gov.me/clanak/prekogranicne-konsultacije-sa-republikom-srbijom-za-draft-energy-development-strategy-of-the-republic-of-serbia-until-2040-with-projections-until-2050>, as well as cross-border consultations with Bosnia and Herzegovina for the preliminary environmental impact assessment of the construction of HPP Buk Bijela, municipality of Foča, Republika Srpska, Bosnia and Herzegovina, installed capacity 118.10 MW:

<https://www.gov.me/clanak/prekogranicne-konsultacije-sa-bosnom-i-hercegovinom>.

(e) With respect to paragraph 8, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed.

Answer:

Please consult Articles 23 and 51 of the Constitution of Montenegro.

IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3

Describe any obstacles encountered in the implementation of any of the paragraphs of Article listed below.

Answer:

The general level of social awareness on the need to protect the environment, as well as the level of environmental culture, needs to be further improved in Montenegro, since the complexity of the issue of environment must be solved systemically. The need to protect and preserve the environment has to be developed and introduced to the people starting from the early school age.

In the previous period, within school curricula, more and more attention has been paid to environmental education of students.

Also, a special place and mission in the environmental consciousness is held by the media. The role of the media is more important than the implementation of environmental policies, because they affect both the development of environmental awareness and culture of each individual, and raise the level of environmental

awareness and culture of the whole society in Montenegro. It is necessary to take additional measures in order to contribute to the engagement of the media in the development of environmental awareness and culture of our society in a systematic, designed and practical manner.

Therefore, we can say that over the last several years, there has been a trend of strengthening environmental awareness of citizens in Montenegro, and that more and more environmental issues are at the centre of decision-making across all policies.

V. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE GENERAL PROVISIONS OF ARTICLE 3

Provide further information on the practical application of the general provisions of Article 3.

Answer:

The most important activities that have been implemented in regards to preparation and strengthening of capacities of Montenegro to implement the Aarhus Convention are: regional networking and exchange of experiences, delivering training to public administration staff members, civil sector, media, etc.

The establishment of **Aarhus Centre** is one of the most important activities for implementation of the Aarhus Convention. The project was initiated by this Ministry and Environmental Protection Agency in cooperation with OSCE Mission to Montenegro.

In Montenegro, three Aarhus Centers were opened:

- On 15 April 2011 - Aarhus Center of Podgorica (organizational unit of EPA)
- 11 November 2011 - Aarhus Center Niksic (part of the NGO "Ozone")
- 21 September 2012 - Aarhus center Berane (organizational unit of EPA)

In May 2014, "Breznica" environmental organisation opened the regional Aarhus Centre in Pljevlja, which is used by the citizens of Pljevlja, Mojkovac, Bijelo Polje, Prijepolje, Čajniče and Goražde.

Also, was opened the Aarhus Center in Kolašin, founded by the NGO "Natura".

Establishment of Aarhus Centers is one of the preconditions for legal and institutional implementation of the Aarhus Convention, and capacity building at the administrative and institutional level. It also develops a system that will be available to citizens, NGO sector, undertakings and all other interested parties.

Activities of Aarhus Centers:

- promoting relevant legislation and practice in terms of access to information, public participation and access to justice in the field of environment;
- raising awareness and knowledge of the public concerned about environmental protection;
- providing access to information concerning the environment;
- encouraging public participation, through active participation of citizens, citizens' associations and interested public in planning and decision-making in the field of environmental protection;
- organizing public hearings, round tables and panel discussions on topics in the field of environmental protection;

- organizing training and seminars for representatives of public administration, civil society, media, environmental and other organizations on the implementation of the Aarhus Convention;
- organizing media campaigns to improve public awareness of environmental protection and resolution of environmental issues;
- providing free legal consultations for citizens and NGOs in the field of environment;
- establishing cooperation and networking of local governments - environmental protection services, as well as individuals involved in the protection of the environment;
- public participation in the preparation of legally binding normative instruments.

The **activities of the Aarhus Centers** are in the period 2021-2024. year were aimed at providing reliable and timely information from the environment, exchanging information with relevant institutions, as well as providing support to the interested public and the NGO sector in matters related to the environment and human health.

In 2021

- Organized visit of the students of the final grades of the "Panto Mališić" High School in Berane to the Aarhus library. On this occasion, the students had the opportunity to become acquainted with professional references in the field of environmental protection, as well as the possibility of using it during their further education.
- Celebrating 5 June - the World Day of Environmental Protection. Aarhus Center Berane, in cooperation with the Municipality of Berane and JP Vodovod i Kanalizacija, organized a visit to the Wastewater Treatment Plant - Berane for the students of the ecological section of the 1st grade of the Gymnasium "Panto Mališić" - Berane.
- Gender equality, the role of women, the environment - panelist, representative of the Aarhus Center Berane;
- Lim river cleaning activity - Ministry - Environmental Protection Agency - Aarhus Center Berane – the Berane Municipality.
- VII session of the meeting of the parties to the Aarhus Convention - online participation - representatives of the Aarhus center Berane. The Department of the OSCE coordinator - for economic and environmental issues, took over the process of creating a strategy and action plan for the Aarhus centers.
- Training of representatives of the Aarhus Center - Human Resources Management - Gender Equality
- Participation - Annual meeting of Aarhus centers - online meeting. 2021 Annual meeting gathered representatives of Aarhus centers, national contact persons for the Aarhus Convention, as well as representatives of non-governmental organizations, international organizations of the OSCE, with the aim of discussing and improving the involvement of Aarhus centers in supporting environmental management.
- Participation of representatives of the Aarhus Center in the campaign of donation of 100 olive seedlings - for the children of Mrkojevica- Bar

In 2022

- A greening campaign was carried out - JPU "Boško Buha" Rožaje - 70 seedlings were planted (Donation from the Environmental Protection Agency and the Forestry Administration)

- Celebrating the ecological date of 22 April - Earth Day at Radomir Mitrović elementary school in Berane.
- Celebrating 5 June, the World Day of Environmental Protection. Visit of the students of the "Vuk Karadžić" Elementary School to the offices of the Aarhus center, visit and membership in the Aarhus library, familiarization with the work and responsibilities of the Agency. On the occasion of this date, interested citizens were able to visit the exhibits of the first white stork, which settled in Montenegro after 116 years, specifically in Berane.
- Participation in the extraordinary session of the parties to the UNECE Aarhus Convention - Zoom platform. The session was held in Geneva on June 22, 2022.
- The NGO supports the completion of the project organized by the Turkish Agency for International Cooperation (Tika) and the NGO Euro Bridge with the aim of connecting students from the two countries and introducing them to the culture and natural beauty of Montenegro and Turkey.
- On the occasion of 20 September, the Day of Ecological Montenegro, participation in the action of cleaning the road Danilovgrad-Nikšić-Šavnik-Žabljak
- 10 to 11 October, participation in the Tenth meeting of the Working Group for the involvement of the public in decision-making according to the Aarhus Convention. Zoom platform.
- 19-20 October, Annual meeting of Aarhus centers - Vienna - Strategic framework of Aarhus centers 2022-2027.
- Educational workshops-school visits.
- A week of New Year's ecological workshops with the aim of raising the level of awareness about recycling in the premises of the Aarhus Center Beranam - Making New Year's decorations from recycled materials.

In 2023

- 17 – 18 February, as part of the project "Strengthening the network of Aarhus centers in Montenegro", NGO Natura organized a two-day training in Bijelo Polje on the topic "Strengthening the capacity for representatives of Aarhus centers and environmental organizations - Application of the Aarhus Convention in Montenegro". The training covered the following topics: exercising human rights within the framework of the Aarhus Convention, the place and role of non-governmental organizations in the application of the Aarhus Convention, the relationship with local self-government in the process, public/non-governmental participation organization in decision-making processes and policy creation. This project is implemented by the Center for Civic Education (CGO), the Friedrich-Ebert-Stiftung (FES), the NGO Center for the Protection and Study of Birds of Montenegro (CZIP) and the Politikon network. The project is financed by the European Union and co-financed by the Ministry of Public Administration.
- Training seminar - Bijelo Polje organized on 17 February 2023. The significance of the Aarhus Convention in improving the quality of the environment in local communities organized by the NGO Natura-Kolašin.
- 6 March - Attendance at the final Conference of the project "Let's join together to preserve the environment", which the NGO "Center of Ecological Initiatives" is conducting as part of the Regional Program of Local Democracy in the Western Balkans.
- 5 June - Celebrating the World Environment Day - Greening action in cooperation with the Berane Municipality, NGO Center of Ecological Initiatives - The Agency donated 25 seedlings - white Japanese cherries.
- 6 June - Donation of seedlings to the PI "Radmila Nedić" Berane

- 13 June -Participation in the meeting of the Compliance Committee on the occasion of the 25th anniversary of the adoption of the Aarhus Convention - Geneva - via the Zoom platform
- 20-22 June - Participation in the two-day International Conference - Green Agenda for the Western Balkans - Belgrade - participation via the Zoom platform.
- 26-28 June- The twenty-seventh meeting of the Working Group of the Parties to the Aarhus Convention - participation via the Zoom platform.
- 17 – 18 September - Annual meeting of Aarhus Centers – Tajikistan.
- 7 October - Participation in the International Agricultural Fair in Berane by organizing an environmental campaign - "Plastic to herbs", with the aim of raising the level of environmental awareness about selective waste disposal. During the campaign, a considerable amount of PET packaging was collected, and hard-working fellow citizens were rewarded with herb seedlings.
- 8 – 11 September. Training held in Belgrade - Training seminar organized by the OSCE - Compliance mechanisms according to the Aarhus Convention.
- 9 – 10 November - VIII meeting of the Working Group for access to information and workshop on product information - Zoom platform - Improvement of public access to information on products related to the environment.
- 6 December– Aarhus center Berane - Organization of a training - Importance of informing citizens about the Aarhus Convention - participants - representatives of local communities and interested citizens. Getting to know the principles of the Aarhus Convention and the rights that derive from it, as well as the way to submit a Request for Free Access to Information
- 28 December– Annual meeting of the Aarhus Centers of Montenegro - Podgorica, organized by the Environmental Protection Agency of Montenegro. With the memorandum on the formation of the Network of Aarhus Centers of Montenegro, institutionally established as part of governmental and non-governmental organizations, Aarhus Centers undertook to work together and contribute to the improvement of the environment in Montenegro.

In 2024

- Campaign - Promotion of publications - Protected areas of Montenegro and the Red List of protected species in order to raise the level of awareness of nature conservation and environmental protection. Target groups - educational communities - visits to schools
- 8 April -Workshop - "Plant and observe" – pupils of the lower grades of primary school - "Radomir Mitrović" - Berane - This was an opportunity to educate children about the importance of disposing of waste in the prescribed manner, but also about how different actions such as cleaning represent an important link for a healthy and quality life of current and future generations.
- 22 April - Celebrating Earth Day - visiting schools and holding workshops on the importance of preserving the planet Earth with an emphasis on climate change, and tree planting was also organized - a donation from NLB Bank in Montenegro.
- 5 June. Celebrating June 5, World Environment Day
- In cooperation with the Berane Municipality, organized was a cleaning and greening of green areas.

The project of **redesigning the website of Aarhus Centers** commenced, as well as the development of the website www.arhuscentri.me, which will contain information about the activities of all Aarhus centers in Montenegro, as well as improved anonymous

connection (upon request) with interested parties with the reporting of problems with are encountered in the environment.

Implementation of programs and projects in the field of environment, climate change and energy efficiency at the national and local level is carried out through the **Eco Fund**, as an important mechanism for collecting financial resources.

Through the Eco Fund, according to the "polluter pays" principle, funds are collected from polluters who carry out activities that pollute the environment, and also, with the aim of securing additional sources of financing, cooperation with international institutions and organizations is also being worked on. In this way, by co-financing projects in the field of environmental protection and the climate-energy field, the Eco Fund acts as one of the drivers of economic and infrastructural development in Montenegro, which has positive effects on the creation of new green jobs and the sustainable use of natural resources, all in accordance with the highest environmental protection standards. The Eco Fund also organizes education programs on environmental protection and climate change intended for citizens, the economy, institutions, the media, and non-governmental organizations.

VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3

Give relevant web-site addresses, if available:

Answer

Ministry of Ecology, Sustainable Development and Northern Region Development:

<https://www.gov.me/mers>

Environmental Protection Agency: <http://www.epa.org.me/>

E-Uprava Crne Gore <https://www.euprava.me/>

Government of Montenegro: <http://www.gov.me/>

Parliament of Montenegro: <http://www.skupstina.me/>

Ministry of Justice: <https://www.gov.me/mpa>

Ministry of Human and Minority Rights: <https://www.gov.me/mmp>

Ministry of Foreign Affairs: <https://www.gov.me/mvp>

Ministry of European Integrations <https://www.gov.me/mep>

Ministry of Public Administration: <https://www.gov.me/mju>

Ministry of Education, Science and Innovation: <https://www.gov.me/mps>

Ministry of Culture and Media: <https://www.gov.me/mku>

Ministry of Regional-Investment Development and Cooperation with NGO:

<https://www.gov.me/mirn>

Ministry of Economic Development: <https://www.gov.me/mek>

Ministry of Energy: <https://www.gov.me/men>

Ministry of Defence: <https://www.gov.me/mod>

Ministry of Spatial Planning, Urbanism and State Property: <https://www.gov.me/mdup>

Ministry of Transport: <https://www.gov.me/msp>

Ministry of Agriculture, Forestry and Water Management: <https://www.gov.me/mpsv>

Ministry of Health: <https://www.gov.me/mzd>

Ministarstvo of Social Welfare, Family Care and Demography: <https://www.gov.me/mssd>

Ministry of Sports and Youth: <https://www.gov.me/ms>

Ministry of Interior: <https://www.gov.me/mup>

Ministry of Finance: <https://www.gov.me/mif>

Hydrometeorological and Seismological Service of Montenegro:

<http://www.meteo.co.me/>

National Parks of Montenegro: <http://www.nparkovi.me/>

LTD Centre for Eco-Toxicological Research of Montenegro: <http://www.ceti.co.me/>

OSCE Montenegro: <http://www.osce.org/montenegro>

United Nations Development Programme:

<https://www.me.undp.org/content/montenegro/sr/home.html>

Official Journal of Montenegro: <http://www.slistcg.me>

Ozon <http://www.ozon.org.me/category/arhus-info-centar/>

Agency for Protection Personal Data and Free Access to Information:

<http://www.azlp.me/index.php/me/>

Protector of Human Rights and Freedoms of Montenegro:

<https://www.ombudsman.co.me>

Arhus Centers of Montenegro: <https://arhus-centri.org.me/>

Environmental Fund: <https://eko-fond.co.me/>

[REC Montenegro – Resource Environmental Community](#)

NGO Natura <http://nvonatura.me/>

Water Administration <https://www.gov.me/uprava-za-vode>

Forestry Administration <http://upravazasume.me/prva.php>

Office for Sustainable Development: <https://www.gov.me/vlada-crne-gore/odrzivi-razvoj>

VII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO ENVIRONMENTAL INFORMATION IN ARTICLE 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in Article 4.

Answer:

Transposition of provisions on access to environmental information referred to in Article 4 of Aarhus Convention is ensured through a number of regulations in Montenegro:

- Constitution of Montenegro ("Official Journal of MNE", no. 01/07,38/13)
- Law on Free Access to Information ("Official Journal of MNE", no. 44/12,30/17)
- Law on Electronic Administration ("Official Journal of MNE", no. 72/19)
- Law on State Administration ("Official Journal of MNE", no. 78/18, 70/21,52/22)
- Law on Administrative Procedure ("Official Journal of MNE" no. 56/14...37/17)
- Law on Local Self Government ("Official Journal of MNE 2/18,34/19,38/20,50/22, 84/22)
- Law on Environment ("Official Journal of MNE", no. 52/16,73/19)
- Law on Environmental Impact Assessment ("Official Journal of MNE" no. 75/18)
- Law on Industrial Emissions ("Official Journal of MNE", no. 17/19, 3/23, 34/24),)
- Law on Strategic Environmental Impact Assessment ("Official Journal of RMNE", no. 80/05"Official Journal of MNE" no 73/10,59/11,52/16)
- Law on Nature Protection ("Official Journal of MNE", no. 54/16,18/19)
- Law on Genetically Modified Organisms ("Official Journal of MNE", no. 22/08)
- Law on Chemicals ("Official Journal of MNE", no. 51/17)
- Law on Prohibition of Discrimination ("Official Journal of Montenegro", no. 46/10,18/14,42/17)
- Law on Media ("Official Journal of MNE", no. 54/24)

- Law on Secrecy of Data ("Official Journal of MNE", no. 14/08, 76/09, 41/10, 44/12, 14/13, 18/14, 48/15, 74/20)
- Regulation on reimbursement of costs in the procedure of accessing information ("Official Journal of MNE", no. 66/16, 121/21).

Explain how each paragraph of Article 4 has been implemented. Describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirements in Article 3, paragraph 9.

Answer:

Please consult Articles 23 and 51 of the Constitution of Montenegro.

a) Article 9 of the Law on Free Access to Information provides, *inter alia*, the following definitions:

- 1) authority is a state authority (legislative, executive, judicial, administrative), the authority of local government, local government body, institution, a company or other legal entity whose founder, co-founder and majority shareholder is the State or local government, a legal entity whose work is mostly financed from public funds, as well as a natural person, entrepreneur or legal entity that exercises public authority or administers public funds;
- 2) information in the possession of the authorities is factual possession of the requested information by the authorities (own information, information submitted by another authority or by a third party), regardless of the basis and method of acquisition.

Article 7 of the **Law on the Environment** stipulates the information on the environment and public:

- Information on the environment owned by state administration authorities, administration authorities or local administration authorities is any piece of information which was prepared by an authority or received from another entity;
- Information on the environment is any piece of information in written, visual, audio, electronic or any other available format, which pertains to the environment.
- The public is one or more physical or legal entities, their associations, organisations, or groups;
- Public concerned is the public which the decision-making process in the issues pertaining to the environment affects or is expected to affect, including NGOs dealing with environmental protection.

Article 6 of the **Law on Environmental Impact Assessment** provides definitions of: public, interested public and interested authorities and organizations. These definitions are also provided in the Law on Strategic Environmental Impact Assessment (Article 7) and the Law on Industrial Emissions (Article 5).

b) Article 8 of the Constitution of Montenegro prescribes prohibition of any direct or indirect discrimination on any grounds.

Also, the Law on Discrimination, which regulates matters of prohibition and protection against discrimination, prohibits any form of discrimination on any grounds (Article 1).

The Law on Free Access to Information, Article 2, stipulates that access to information held by the authorities is based on the principles of free access to information, transparency in the work of the authorities, the public's right to know and equality, and is implemented at the level of the standards contained in the certified international treaties on human rights and freedoms and generally accepted rules of international law. Article

6 of this Law stipulates that the authorities are obliged to provide for any natural or legal person access to information on an equal basis and under the same conditions, unless provided otherwise by the law.

In particular, describe:

(a) With respect to paragraph 1, measures taken to ensure that:

(i) Any person may have access to information without having to state an interest;

Every domestic and foreign natural or legal person is entitled to access the information without obligation to state the reasons and explain the interest of seeking information (Article 3 of the Law on Free Access to Information).

(ii) Copies of the actual documentation containing or comprising the requested information are supplied

Answer:

Pursuant to Article 21 paragraph 1 of the Law on Free Access to Information, the applicant has the right to choose the way of achieving access to the requested information, as follows:

- 1) Direct inspection of the original or a copy of the information in the premises of the authorities;
- 2) Transcribing or scanning information by the applicant in the premises of the authorities;
- 3) By delivering a copy of the information to the applicant by the authorities, directly, by mail or electronically.

(iii) The information is supplied in the form requested;

Answer:

Pursuant to the provisions of Article 21 paragraphs 2 and 3 of the Law on Free Access to Information, the authority shall provide access to information in a way chosen by the applicant, unless the requested access mode is not technically possible. To facilitate access to information in the way chosen by the applicant, the authority shall, when possible and appropriate, convert the existing information format into electronic format or analog format (scan, copy).

(b) Measures taken to ensure that the time limits provided for in paragraph 2 are respected;

Answer:

The Law on Free Access to Information stipulates that the authority shall decide on the application for access to information, and deliver the decision to the applicant within 15 days of the submission of a complete application. This period will be extended to eight days if access to extremely voluminous information is requested; if the information containing data is marked as confidential; if finding the required information requires searching a large amount of information, which significantly complicates the regular work of the authorities. In these cases the authority shall, within three days of the application, in writing, notify the applicant of the extension of the deadline for processing an application. If access to the information is requested in order to protect life or liberty of

persons, the authority shall issue a decision on the application and submit it to the applicant within 48 hours from the time of application.

Article 69 of the new Law on the Environment stipulates that access to information on the environment is provided based on the requests submitted to the state administration authorities, administration authorities or local administration authorities, which does not have to contain reasons for the requesting of information. Furthermore, this article determines that decisions on the request shall be made within 15 days from the day of its submission in accordance with the law that regulates free access to information. This deadline can be extended for 8 days, if extremely extensive and complex information on the environment was previously requested. In this case, the applicant shall be informed, in written form, on the extension of the deadline and about the reasons for the extension, during five days from the day when the request was submitted.

(c) With respect to paragraphs 3 and 4, measures taken to:

(i) provide for exemptions from requests;

Answer:

The Law on Free Access to Information stipulates when access to information is restricted, in order to protect the following interests:

- Protection of privacy against disclosure of the data provided by the law governing the protection of personal data;
- Security, defense, foreign, monetary and economic policy of Montenegro, in accordance with the regulations governing the confidentiality of information, marked as confidential;
- Preventing the investigation and prosecution of offenders;
- The performance of official duties;
- Protection of trade and other economic interests against disclosure of information relating to the protection of competition and trade secret in connection with intellectual property rights.

It is also defined in this Law that the application for access to information will be rejected if it is incomplete or illegible. This happens in cases where the authority requested some additional information from the applicant, which is not submitted within the deadline, or if incomplete information is submitted. If the authority is not in possession of the requested information it shall, without delay, if the authority knows which body is competent to act on a request for access to information, send a request to the competent authority, and notify the applicant accordingly.

Article 70 of the **Law on Environment** stipulates that the request shall be refused:

- in the cases proscribed by the law which regulates free access to information;
- if the request pertains to information, documents or other data which is in the development stage; the body preparing the information, document or other data shall be identified, and the time required for the completion of the task will be defined.

Article 31 of the **Law on Environmental Impact Assessment** stipulates that the competent authority is obliged to provide access upon request (in written or electronic form) to the documentation on the conducted impact assessment procedure, except for documents that are marked with the appropriate degree of secrecy in accordance with

the law to bodies and organizations and the interested public. Documentation concerning pollutant emissions, accident risks, monitoring results and inspections may not be classified.

Provisions on confidentiality (secrecy) of data are also contained in the following environmental laws: Article 102 of the Law on Nature Protection, Article 53 of the Law on Chemicals, Article 23 of the Law on Genetically Modified Organisms, Article 10 of the Law on Industrial Emissions.

The **Law on Secrecy of Data** regulates the procedure of access to secret data related to defence, public security and foreign affairs, whose disclosure could have consequences for the security of Montenegro or its political or economic interests.

(ii) Ensure that the public interest test at the end of paragraph 4 is applied;

Answer:

The Law on Free Access to Information stipulates that access to information will be limited if disclosure of the information would significantly jeopardize the above mentioned interests, or if there is a possibility that disclosure of the information would cause adverse effects on the interest that is of greater importance than the interests of the public to know this information, except if there is a prevailing public interest. The prevailing public interest in disclosure of the information or part thereof is present when the information requested contains information which reasonably indicates a threat to the environment (Article 17, item 7).

(d) With respect to paragraph 5, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;

Answer:

The provisions of Article 20, paragraph 4 of the Law on Free Access to Information stipulate that if the authority is not in possession of the requested information, it shall, without delay, if they know which body is competent to act on a request for access to information, send a request to the competent authority and notify the applicant accordingly.

(e) With respect to paragraph 6, measures taken to ensure that the requirement to separate out and make available information is implemented;

Answer:

Article 24 of the Law on Free Access to Information prescribes that if any part of information is restricted, relevant government agency shall enable access to the information after deleting the part of such information that is restricted. Any part of information that is restricted shall be marked by indication "deletion completed" whereas the notification of the extent of such deletion shall be indicated as well. The text of information must not be destroyed or scratched by any such deletion.

Deleting a piece of information is done in a way which will not destroy or damage the content of information.

(f) With respect to paragraph 7, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;

Answer:

The Law on Free Access to Information, in Article 30, stipulates that an application for access to information or re-use of information shall be decided upon by the authority which shall either issue a decision to allow access to the requested information or a part thereof, or reject the application. Decision rejecting an application for access to information contains a detailed explanation of the reasons why no access to the requested information is allowed i.e. re-use of information.

The public authority shall issue a decision on the application for access to information i.e. re-use of information and deliver it to the applicant within 15 days of submission of a complete application (Article 31, paragraph 1). Exceptionally, in the case where it is necessary to protect the life or liberty of persons, the authority is required to adopt a decision and deliver it to the applicant immediately and at the latest within 48 hours of the application.

Against an act of the authority on the application for access to information, the applicant and other interested person may appeal to an independent supervisory body responsible for the protection of personal data and access to information, the Agency for protection of personal data and access to information, through the authority that decided on the application in first instance (Article 34).

Exceptionally, against a decision rejecting an application for access to information containing data that are marked as confidential no appeal can be filed, while an administrative procedure may be initiated.

(g) With respect to paragraph 8, measures taken to ensure that the requirements on charging are met.

Answer:

Pursuant to the **Law on Free Access to Information**, no fee is charged for an application for access to information.

The applicant bears only the actual costs of the authorities relating to copying, scanning and submitting the requested information, which is regulated by the Decree on compensation expenses in the process of access to information ("Official Gazette of Montenegro", 66/16).

If the applicant is a person with disabilities or in social need, the authority shall bear the cost of the procedure for access to information.

VIII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 4
Describe any obstacles encountered in the implementation of any of the paragraphs of Article 4.

Answer:

Based on the requests which have been submitted to relevant environmental protection institution for access to information in the field of environment, we hereby stress that there is high interest for this matter, which requires more staff to act upon the submitted requests. The reason for this is that, in addition to the above, one of the problems encountered in the implementation of this Article is searching of a number of documents which disturbs regular functioning of government agencies.

IX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 4

Provide further information on the practical application of the provisions on access to information in Article 4, e.g., are there any statistics available on the number of requests made, the number of refusals and their reasons?

Answer:

The Ministry and the Environmental Protection Agency regularly update and keep the statistics on the applications, the number of refusals and the reasons for rejection.

Pursuant to the Law on Free Access to Information, the Ministry received a total of 414 requests for free access to information (requests in the field of ecology, construction, spatial planning) in **2021**. When deciding on the above requests, this Ministry issued 243 decisions allowing access to information, 149 decisions dismissing the request, 22 requests were forwarded to the competent authority for decision-making.

In the reporting period of **2022**, the Ministry received a total of 259 requests for free access to information, of which the largest number of requests related to the provision of information in the field of work of the urban and construction inspection (174 requests). Of this number, 19 requests related to the provision of information in the field of the environment. When deciding on the requests in question, 11 requests were dismissed due to lack of the requested information, 5 requests were adopted and access to information was allowed, while 3 requests were forwarded to the competent authorities for further action.

In the reporting period of **2023**, a total of 22 requests for free access to information (requests from the field of ecology and tourism) were submitted to the Ministry. When deciding on the requests in question, this Ministry made seven decisions approving the request for free access to information, four requests were partially accepted, and 11 decisions were made dismissing the request.

In the reporting period **January-October 2024**, a total of 12 requests for free access to information were submitted, which requested information from the field of the environment, of which 7 requests were granted access to the requested information, 3 requests were forwarded to the competent authorities, while 2 requests were dismissed due to the lack of requested information.

All requests and decisions can be found on the Ministry's website: <https://www.gov.me/mers/slobodan-pristup-informacijama>

The Environmental Protection Agency:

- In 2021, received 84 requests for free access to information. The number of accepted requests is 58, while the number of dismissed requests is 26.
- In 2022, received 66 requests for free access to information. Number of accepted requests 48, number of dismissed is 11, 3 notifications, 4 declarations were made in accordance with the letters of the Agency for the Protection of Personal Data and Free Access to Information.
- In 2023, received 66 requests for free access to information. The number of accepted requests was 44, the number of dismissed was 13, 4 requests were forwarded to the competent authorities for further processing, 1 notification was issued, while 3 requests remained unresolved.
- On 31 July 2024, 26 requests for free access to information were received. The number of accepted requests was 18, the number of dismissed was 6, 1 request was forwarded to the competent authorities for further processing, and 1 notification was made that the same request had already been processed.
- All decisions adopted in accordance with the requirements have been entered on the web application of the Agency for the Protection of Personal Data and Free Access to Information: <https://www.azlp.me/me/informacioni-sistem>

Specifically, in order to monitor the situation in the area of access to information, the Agency for the Protection of Personal Data and Free Access to Information maintains an information system for access to information, which provides a database of:

- 1) authorities;
- 2) requests for access to information, by applicants, authorities, types of information and requested ways of accessing information;
- 3) acts of the authorities on requests for access to information;
- 4) appeals against acts by requests for access to information, by applicants and authorities;
- 5) lawsuits against decisions on requests for access to information, by plaintiffs and defendant authorities;
- 6) court decisions on lawsuits on decisions on requests for access to information;
- 7) measures against authorities for failure to act in accordance with this law.

Authorities are obliged to provide the Agency with information on submissions, acts and measures undertaken within 10 days from the date of their submission, or drafting or undertaking.

Requests for information concerning environmental protection are actively responded to via e-mail addresses epamontenegro@gmail.com and the web portal www.epa.org.me informs the public about all issues related to this area. In addition to the web portal, it is important to point out the electronic group "zastiti.me", as well as social networks through which the public is given information as soon as possible and is included in solving environmental issues.

X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4

Give relevant web-site addresses, if available:

Answer:

Please see internet addresses listed in Article 3.

XI. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS OF THE COLLECTION AND DISSEMINATION OF ENVIRONMENTAL INFORMATION IN ARTICLE 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in Article 5

Answer:

Transposition of provisions on the collection and dissemination of environmental information referred to in Article 5 of the Aarhus Convention is provided for through a number of regulations in MNE:

- Constitution of Montenegro ("Official Journal of MNE", no. 01/07,38/13)
- Law on Free Access to Information ("Official Journal of MNE", no. 44/12,30/17)
- Law on Electronic Administration ("Official Journal of MNE", no. 72/19)
- Law on State Administration ("Official Journal of MNE", no. 78/18,70/21,52/22)
- Law on Administrative Procedure ("Official Journal of MNE" no. 56/14...37/17)
- Law on Local Self Government ("Official Journal of MNE 2/18,34/19,38/20,50/22, 84/22)

- Law on Environment ("Official Journal of MNE", no. 52/16,73/19)
- Law on Environmental Impact Assessment ("Official Journal of MNE" no. 75/18)
- Law on Industrial Emissions ("Official Journal of MNE", no. 17/19,3/23, 34/24)
- Law on Strategic Environmental Impact Assessment ("Official Journal of RMNE", no. 80/05"Official Journal of MNE" no 73/10,59/11,52/16)
- Law on Nature Protection ("Official Journal of MNE", no. 54/16,18/19)
- Law on Genetically Modified Organisms ("Official Journal of MNE", no. 22/08)
- Law on Waste Management ("Official Journal of MNE", no. 34/24)
- Law on Air Protection ("Official Journal of MNE", no. 25/10, 43/15, 73/19)
- Law on Chemicals ("Official Journal of MNE", no. 51/17)
- Law on Forests ("Official Journal of MNE", no. 74/10,47/15)
- Law on Waters ("Official Journal of RMNE", no. 27/07"Official Journal of MNE", no 32/11...84/18)
- Law on Protection from Ionizing Radiation and Radiation Safety ("Official Journal of Montenegro", no. 56/09, 58/09,32/11,84/24)
- Law on Protection from Non-ionizing Radiation ("Official Journal of MNE" no 35/13)
- Law on Protection and Rescue ("Official Journal of MNE", no. 13/07...54/16,146/21, 3/23)
- Law on Protection from Noise in Environment ("Official Journal of Montenegro", no. 28/11, 1/14, 2/18)
- Law on Spatial Data Infrastructure ("Official Journal of MNE", no. 37/17)
- Law on Alien and Invasive Alien Species of Plants, Animals and Fungi ("Official Journal of MNE", no. 18/19)
- Law on Biocidal Products ("Official Journal of MNE", no. 54/16,34/24)
- Law on the Protection of the negative impacts of climate change ("Official Journal of MNE", no. 73/19),
- Law on the Protection of the Marine Environment ("Official Journal of MNE", no. 73/19)
- Regulation on detailed content and managing of register of environmental polluters ("Official Journal of MNE", no. 45/17)
- Regulation on substances with damage ozone layer and alternative substances ("Official Journal of Montenegro", no. 79/21)

Explain how each paragraph of Article 5 has been implemented. Describe the transposition of the relevant definitions in Article 2 and non-discrimination requirement in Article 3, paragraph 9.

Answer:
As in Article 4.

Also, and in particular, describe:

- (a) With respect to paragraph 1, measures taken to ensure that:**
- (i) Public authorities possess and update environmental information;**

Answer:
Pursuant to the **Law on Free Access to Information**, the authority shall compile, publish on its website and regularly update the Guide for access to information in their possession. The Guide for access to information shall be updated by the public authority at least once a year, i.e. within 30 days of the change in the type of information in their possession, and information of relevance to access to information.

Article 71 of the **Law on Environment** stipulates that state administration authorities, administration authorities or local administration authorities are obliged, within their jurisdiction, to ensure that the information on the environment they composed or which was composed on their behalf, to keep it updated, precise and comparable.

Furthermore, Article 55 of this Law proscribes that by monitoring the state of the environment, continuous control of the environment is ensured, in accordance with this and other specific laws. Monitoring is the integral part of a Environmental Information System and contains monitoring programmes for particular segments of the environment and areas reached based on special laws.

On the basis of the monitoring program, the Environmental Protection Agency shall prepare a Report on the state of the environment as a basic document assessing the general state of the environment in Montenegro. The Report on the state of the environment, with measures to reduce the negative environmental impact and the Action Plan for the implementation of measures, is adopted by the Government of Montenegro on the proposal of the Ministry. Information is based on data and analysis that are obtained through implementation of annual monitoring programs for all segments of the environment, implemented by authorized institutions that are selected in the tender procedure.

Thus prepared Report allows the entire public concerned in Montenegro to have a clear and understandable overview of the state of the environment in Montenegro in all segments.

Article 4 of the Rulebook on the detailed content and manner of keeping the cadastre of the polluters also stipulates that the polluter is obliged to submit data for the purposes of keeping the cadastre of polluters no later than March 31 of the current for the previous year.

(ii) There is an adequate flow of information to public authorities;

Answer:

Please refer to the provisions of Article 67, 68, 71 and 72 of the Law on Environment.

Also, by adopting of the **Law on Electronic Administration** it was established that public authorities shall use information and communication technologies when exercising communication with citizens, companies and other legal entities in the exercise of their responsibilities. This law also prescribes the manner of electronic data exchange, as well as electronic communication of authorities and other entities. Electronic administration functions through a single information system of bodies and information-communication network of bodies and systems for electronic data exchange, as well as through information systems established by authorities and other entities. Everyone has the right to use the e-government service, in the same way and under the same conditions, in accordance with the law.

(iii) In emergencies, appropriate information is disseminated immediately and without delay;

Answer:

Article 68 paragraph 3 of the **Law on Environment** stipulates that the Environmental Protection Agency is obliged to inform the public via electronic media or in any other way, without delay, about cases of immediate danger to the health of people and/or the environment, regardless of the fact if the danger was caused by human activities or

natural events. Article 4 of this Law stipulates that the Agency and the polluters are obliged to inform the public on the transgressions of proscribed border values of emissions to the environment, as soon as they find out, without delay.

The Law on Protection from Ionizing Radiation and Radiation Safety, Article 34, prescribes that anyone who learns about the existence of danger caused by higher exposure to ionizing radiation of population and environment, shall inform thereof, without delay, the Ministry responsible for emergencies and civil security, the Agency and other competent authorities. Article 35 defines that for the purpose of early detection of radiation accident which may lead to an emergency, and endangers or may endanger the life and health of people and the environment, the Ministry responsible for emergencies and civil security shall establish a system of early warning which provides for continuous measurement of the strength of ambient equivalent dose of gamma radiation in the air.

Also, please refer to provisions of Articles 10, 21, 22 of the Law on Protection and Rescue.

(b) With respect to paragraph 2, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;

Answer:

The Law on Free Access to Information in Article 12 also establishes the obligation of the authority to publish on its website the following information:

- 1) Guide for access to information;
- 2) Public registers and public records;
- 3) Programs and work plans;
- 4) Reports and other documents on the operation and the situation in the areas under their jurisdiction;
- 5) Drafts, proposals and final texts of strategic documents and plans and programs for their implementation;
- 6) Drafts and proposals of laws and other regulations, as well as the opinions of experts on these regulations;
- 7) Individual acts and contracts on utilization of financial resources from public funds and public property;
- 8) A list of state employees, with the titles of civil servants and state employees;
- 9) A list of public officials and calculation of their earnings and other income and charges in connection with the exercise of public functions;
- 10) Decisions and other individual documents that are of importance to the rights, obligations and interests of third parties;
- 11) Information to which access was granted upon request.

The public authority shall publish the above information within 15 days from the date of preparation or adoption.

Article 5 of the Law on Environment specifies one of the main environmental protection principles to be the principle of accessing information and public participation which defines that everyone shall have the right to be informed about the status of environment and to participate in the decision-making process whose implementation could impact environment. The data on the status of environment shall be public.

Article 68 of the **Law on Environment** stipulates that information on the environment shall be published in accordance with this Law, via electronic databases or the media.

This Law proscribes that the Environmental Protection Agency is obliged to publish the following information on their website:

- Texts of international contracts, conventions or agreements and the EU Law;
- Regulations pertaining to the environment;
- Strategies, plans, programmes and other documents pertaining to the environment;
- Reports on the state of the environment;
- Data obtained by environment monitoring;
- Reports on implementation of international agreements in the environment, including the implementation of international agreements and strategic documents, plans and programmes in the field of environment;
- Permits/approval which have a significant effect on the environment; and
- Other information relevant for the protection of the environment.

Refer to the following provisions of law:

Law on Air Protection, Articles 25 and 43; (informing the public about air quality)

Law on Environmental Impact Assessment, Articles 10, 28, 31 (information on EIA)

Law on Strategic Environmental Impact Assessment, Articles 13, 24 (information on SEA)

Law on Nature Protection, Article 102 (submission of data on the state of nature to the public)

Law on Genetically Modified Organisms, Articles 9, 25, 35, 58, 60 (information on GMOs)

Law on Chemicals, Articles 62, 64 (informing the public about the risks of using chemicals)

Law on Spatial Data Infrastructure, Article 2 (establishment of the Geoportal)

Law on Waste Management, Articles 26,30,40, 78,79

Law on Waters, Article 109 (monitoring)

Law on Forests, Article 47 (monitoring, informing the public)

Law on Game and Hunting, Article 30 (informing the public)

(c) With respect to paragraph 3, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;

Answer:

The Ministry regularly updates the website <https://www.gov.me/mers> which contains all applicable regulations, planning and policy documents, reports from public hearings the decisions on free access to information, and other information of importance to citizens. The Environmental Protection Agency regularly updates the website <http://www.epa.org.me> which contains reports on the state of the environment, the information obtained by monitoring, permits issued, a notice of environmental impact assessments, the decision on the strategic environmental impact assessments and other information in the framework of their competence.

Also on the website of the Agency are available applications such as:

- Air quality: <http://www.epa.org.me/vazduh/>
- Pollen: <https://polenmontenegro.wixsite.com/polenepa/home>
- Nationally Protected Areas: <https://cloud.gdi.net/smartPortal/zppCG>,
- Help desk-information on chemicals and biocidal products: <https://epa.org.me/help-desk/>
- Registry of waste: <https://public-3r-epa.gov.me/>

The Law on Environment, Chapter X Environmental Protection Information System and Public Information, Article 62 thereof, prescribes that the environmental protection information system shall be established for efficient identification, classification, processing, monitoring and registering of natural resources and environmental management. The information system shall contain data and information on the status of environment, environmental burden and impacts (Article 63). The information system shall be managed by the Agency and it will ensure access to other information systems and harmonization of all relevant information and data at national and international levels.

Reports on the status of environment are available at the web-site of the Agency: <http://www.epa.org.me/index.php/me/sektor-za-monitoring-analizu-i-izvjetavanje>

Texts of regulations in environmental protection are available at the web-site of the Agency: <http://www.epa.org.me/index.php/me/regulativa>.

The web-site of the Agency offers other information as well which facilitate implementation of national legislation which implement the Aarhus Convention, approvals issued for Environmental Impact Assessments <http://www.epa.org.me/index.php/me/component/content/article/152-dozvole-za-eia-procjena-uticaja-na-zivotnu-sredinu>)

By adopting the **Law on Electronic Administration**, the communication with state authorities was simplified, and the manner of electronic communication of public authorities with citizens, companies, other legal entities and entrepreneurs was regulated.

Thus, communication with the state administration can be achieved via e-mail or through the eGovernment Portal, which is the central point of access to state administration services. Therefore, to exercise their rights, this concept allows users of state administration services to easily and quickly, efficiently and quickly through the e-Government Portal, contact the desired institution and communicate electronically.

Also, as far as electronic communication between state administration bodies is concerned, an information system for document management (IS edms) is used, through which documents are received, sorted and delivered between state administration authorities. Namely, the document management system is currently being developed for the needs of the ministries and the Government of Montenegro. To create opportunities for the use of already developed functionalities of this system and to reduce the costs of work of the state administration, the idea is to exchange documents through the mentioned information system. To implement this legal unit, it is necessary to implement the system in administrative authorities.

The processes of digital transformation of public administration and the introduction of electronic services represent an important part of the process of public administration reform in Montenegro.

At the end of 2021, the Government of Montenegro adopted the **Digital Transformation Strategy of Montenegro 2022-2026**, which represents an umbrella strategic document in the area of digitization, whose defined priorities are elaborated in detail in a number of sectoral public policy documents.

In addition, we point out the provisions of the following laws:

Law on Air Protection, Articles 42, 44, 46 (air quality information, air quality information system)

Law on Environmental Impact Assessment, Article 28 (publication of EIA information electronically)

Law on Environmental Noise Protection, Articles 15 and 18 (availability of information on noise and public participation)

Law on Forests, Article 25 (information system for forests and forestry)

Law on Waters, Article 159 (water information system)

Law on Chemicals, Article 61 (chemical information system)

As of 31 May 2023, the "Ecological Black Dots" Platform <https://www.cnetacke.com/> was established, which aims to unify all environmental problems, process them by answering questions about the causes, problems, solutions, and whose responsibility is that problem. Moreover, the citizens of Montenegro can send proposals for ecological black points through it and monitor the situation through this portal. This platform was created by the cooperation of the NGO coalition, the Zumiraj.me platform, the KOD Organization, the Eco Team, the Network for Youth Activism with the support of NDI. The founders of the platform pointed out that their goal is to map the whole of Montenegro, but also to expand the platform regionally after some time.

(d) With respect to paragraph 4, measures taken to publish and disseminate national reports on the state of the environment;

Answer:

Pursuant to the provisions of Article 55 of the **Law on Environment**, the State provides continuous control and monitoring of the environment (monitoring), in accordance with this Law and special laws concerning the environment. The monitoring program includes monitoring programs of certain segments of the environment.

On the basis of the monitoring program, the Environmental Protection Agency prepares annual Report on the state of the environment as a basic document that assesses the general state of the environment in Montenegro. The Report on the state of the environment, with measures to reduce the negative environmental impact and the Action Plan for the implementation of measures, is adopted by the Government of Montenegro on the proposal of the Ministry. The Report is based on data and analyzes that are obtained through implementation of annual monitoring programs for all segments of the environment, implemented by authorized institutions that are selected in the tender procedure. Thus prepared Report will allow the entire public concerned in Montenegro to have a clear and understandable overview of the state of the environment in Montenegro in all segments.

Reports on the state of the environment are available on: <https://epa.org.me/informacije-o-stanju-zivotne-sredine/>

On the website of the Agency are available four year Indicatory-based Report on the state of the Environment: <https://epa.org.me/izvjestaj-o-stanju-zivotne-sredine-na-bazi-indikatora/>

Specifically, pursuant to the provisions of Article 60 of the Law on the Environment, the Agency shall devise the Environmental Status Report in Montenegro, for a period of four years, based on the National List of Environmental Protection Indicators, determined by the Government. An integral part of the Environmental Status Report is the Action Plan for improving the Environmental Status with proposed measures. The Environmental Status Reports are based on the indicator approach of considering the issues of environmental protection in a concise, simple, comprehensible and comparable way, which shows the current state, as well as the trends of changes in the environment.

The Agency's website also published a "Step-by-step" guide for creating environmental indicators, which is designed to provide information on environmental indicators, as well as on environmental reporting. The main purpose of this document is to guide the reader through the general process that must be carried out in order to provide an accurate assessment of the current state of the environment. The guide for creating

environmental indicators is intended for government officials, members of the academic community, the private sector and other individuals interested in the environment. Also, the Report to be submitted to the European Agency for the Environment and other international institutions in line with international commitments and conventions is prepared in the appropriate forms as required.

(e) Measures taken to disseminate the information referred to in paragraph 5

Answer:

Refer to the provisions of Articles 51-59 of the Law on State Administration. The Law on Environment proscribes that the Environmental Protection Agency is obliged to collect and publish information which particularly relate to the following:

- Texts of international contracts, conventions or agreements and the EU Law;
- Regulations pertaining to the environment;
- Strategies, plans, programmes and other documents pertaining to the environment;
- Reports on the state of the environment;
- Data obtained by environment monitoring;
- Reports on implementation of international agreements in the environment,

including the implementation of international agreements and strategic documents, plans and programmes in the field of environment;

- Permits/approval which have a significant effect on the environment; and
- Other information relevant for the protection of the environment.

To this end, the Environmental Protection Agency regularly updates the web site containing the reports on the state of the environment, information obtained by monitoring, permits issued, notices of environmental impact assessment, decisions on the strategic environmental impact assessment and other information under their jurisdiction. Also, the Ministry regularly updates the website which contains all applicable regulations, planning and policy documents, and other information.

(f) With respect to paragraph 6, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products

Answer:

Refer to the provisions of the Law on Environment, Article 43, regarding EMAS environmental management system, and the provisions of Article 44, regarding the ecological label. The eco-label is also established for less polluting products and services.

(g) Measures taken to publish and provide information as required in paragraph 7;

Answer:

Please refer to provisions of Articles 67 and 68 of the Law on Environment; provisions of Articles 42, 44 and 46 of the Law on Air Protection; provisions of Article 29 of the Law on Environmental Impact Assessment; provisions of Article 15 and 18 of the Law on Protection from Noise in Environment.

- (h) **With respect to paragraph 8, measures taken to develop mechanisms with a view of ensuring that sufficient product information is made available to the public;**

Answer:

Refer to the provisions of the following regulations:

Law on Environment, Article 43 and 44

Law on Chemicals, Article 62,64,65

Law on Biocidal Products Article 32,33,34,36

Waste Management Law, Article 14, 15, 16, 17

Decree on substances that deplete the ozone layer and alternative substances, Article 20, 23

In May 2018, with the aim of providing information and professional guidelines, a Helpdesk was established for interested parties who place chemicals and biocidal products on the market and use on the Montenegrin market and the European Union market. Interested parties can ask questions to the e-mail address: help-desk@epa.org.me.

In order to improve the work of the National Help Desk in cooperation with the European Chemicals Agency/ECHA, three links were placed on the Agency's website in 2021 that clarify the difference between the old and new labeling of chemicals, namely: postal card with new pictograms:

https://epa.org.me/wp-content/uploads/2020/06/CLPCARD_EN_2019_ME_DTP_COR-.pdf, quiz aimed at checking knowledge in marking chemical <https://echa.europa.eu/hr/regulations/clp/clp-quiz>, as well as a short video in which viewers learn what accidents can be caused by incorrect labeling of chemicals <https://chemicalsinourlife.echa.europa.eu/understand-the-labels>. They are available on the Agency's website www.epa.org.me.

During 2022-2023, in order to raise awareness about chemicals and ways to minimize their harmful effects on human health and the environment, in cooperation with the University of Montenegro (Faculty of Metallurgy - Technology) and the Ministry, 6 informative materials were created that can be found on the website Agencies, <https://epa.org.me/help-desk/> namely: 1) Be careful what you buy; 2) Safe handling of mercury in the house; 3) What is VOC; 4) For safe children's play (phthalates in toys); 5) To grow healthily in the world of chemicals; 6) To pay bills safely (Bisphenol A in thermal paper). In addition, an Instruction was prepared for waste operators and recyclers on the risks involved in handling waste containing PBDEs, HBB and HBCD chemicals.

As part of the Project "**Plan for the Elimination of HCFC Substances**", software was created which, in addition to equipment records, also contains records of: substances, equipment owners, service companies, annual reports on import/export of substances, collected amounts of substances and their treatment, etc. and according to the Regulation on substances that damage the ozone layer and alternative substances. Data entry into the software is done continuously. During this reporting period, trainings and workshops were organized for ecological and market inspection and customs officials; the following were prepared: Manual for the training of customs officials; brochures "Information for repairers of refrigeration and air conditioning devices and

companies that work with equipment containing refrigerants" and "Information for importers and exporters of refrigerants and products and equipment containing them"; and other promotional materials. and others In the coming period, activities related to raising public awareness (preparation of manuals, flyers, brochures), continuous training and certification of refrigeration and air conditioning service technicians, as well as improvement of equipment in the service sector/training centers are planned.

The Law on Protection from Negatives Impact of Climate Change provides the basis for the establishment of the National System for Monitoring, Reporting and Verification of Greenhouse Gas Emissions, Emissions Trading System and provides a sectoral division of efforts to reduce emissions outside the Emissions Trading System.

(i) With respect to paragraph 9, measures taken to establish a nationwide system of pollution inventories or registers;

Answer:

Article 65 of the Law on Environment stipulates that the cadastre of polluters contains information on the sources, type, amount, manner and place of release, transport and disposal of polluting materials and waste into the environment. The cadastre of polluters is kept by the Environmental Protection Agency, and the polluters are obliged to submit their data to the Agency.

The Regulation on detailed content and the method of managing the register stipulates detailed content and method of managing the register of polluters, obligation, method and deadlines for collecting and furnishing data on emissions or discharge and other data which are important for managing the register.

Montenegro participated in the regional project **"Enhancement of Pollutant Release and Transfer Registers (PRTRs) in the Western Balkan countries and the Republic of Moldova"** with the aim of improving the availability of data on potential environmental pollution both to decision makers for the development of policies, plans and programs and to the public. This project was financially supported by the Federal Ministry for the Environment, Nature Protection and Nuclear Safety of Germany and the German Federal Agency for the Environment within the Program of Advisory Assistance for Environmental Protection in the Countries of Central and Eastern Europe, the Caucasus and Central Asia. Through the project, at the end of 2023, a National assessment of legal, institutional and technical needs, as well as the need for capacity building, was carried out in order to establish a register of polluters in the Agency, as well as a Final draft of the Project Terms of Reference for the establishment of a PRTR register in Montenegro, which envisages the existence of 6 mutual connected components (6 subsystems) that will make up the future PRTR system, as well as other specifications.

The creation of the application, which will be obtained as a result of the Regional project whose results are also the beneficiary of the Environmental Protection Agency, is in the test phase and in the coming period the installation of the Register of Release and Transfer of Polluting Matters (PRTR system) will begin.

During 2021-2022, the Environmental Protection Agency implemented the twinning light project "**Upgrading the integrated tool and updating the inventory of pollutant emissions into the air for the period 2011-2019**", financed by the EU. Within the framework of the project, activities related to: creation of the project website (<http://emimontenegro.eu/>) were carried out; forming an inventory team for GHG emissions; intensive training of employees to use the software tool for updating and reporting on emissions of pollutants into the air and GHG emissions, calculation, etc. The project also included the creation of a software tool based on Excel for the unified collection of data on GHG and air pollutant emissions.

The Environmental Protection Agency continuously implements activities to establish the **3R waste register** donated by the World Bank project. The purpose of the 3R waste register system will improve the data collection system in the field of waste management and thus enable this platform to be accessed electronically, and make it easier for all legal entities to fulfill their obligations, and for the Agency to manage data more efficiently <https://public-3r-epa.gov.me/>. Through the system, direct communication has been established with the Administration for Cadaster and State Property (access to cadastral data), the Ministry of Internal Affairs (access to the Central Population Register) and the Administration of Revenue and Customs (Access to the Central Register business entities)..

XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5

Describe any obstacles encountered in the implementation of any of the paragraphs of Article 5.

Answer:

The lack of an integrated, comprehensive and efficient information system on the environment that would connect all data on the environment, ensure the strengthening of cooperation and exchange of information between different institutions.

The Law on Environment proscribes that the Environmental Protection Agency establishes and keeps the information system on the national level. The Environmental Protection Information System will improve and facilitate reaching of decisions pertaining to the management of the environment (improving the quality of strategic and planning documents, improving the decision making process about giving approval to reports on the strategic estimate of effect on the environment, improving the functioning of inspection authorities, etc.). It will also improve the process of reporting on the state of the environment to national and international institutions, and the general public.

Montenegro is working on the establishment of an information system. Namely, the EIS Information System was located on the server of the Environmental Protection Agency and users had access to it via the Internet, but since the cyber attack in 2022 it has not been functional. In order to put it back into operation, it is necessary, in addition to certain technical requirements, to allocate additional material resources.

The Rulebook on the detailed content and manner of keeping the cadastre of polluters stipulates that data from the cadastre of polluters need to be made available to the public, as well as that the cadastre of polluters is kept in electronic form in a way that allows data entry, processing and display.

Montenegro is carrying out activities to establish a functional PRTR register of pollutants. As a result of the above-mentioned regional project "Improvement of pollutant release and transfer registers in the Western Balkan countries and the Republic of Moldova", the installation of the pollutant release and transfer registers (PRTR system) will begin in the forthcoming period.

XIII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 5

Provide further information on the practical application of the provisions on the collection and dissemination of environmental information in Article 5, e.g. are there any statistics available on the information published?

Answer:

The Ministry regularly updates its website <https://www.gov.me/mers>, which contains all applicable regulations, planning and strategic documents, reports from held public discussions, information on cooperation with non-governmental organizations, and other information of importance for citizens.

The Environmental Protection Agency <http://www.epa.org.me/> regularly updates the website which contains reports on the state of the environment, the information obtained by monitoring, permits issued, a notice of environmental impact assessments, the decision on the strategic environmental impact assessments and other information in the framework of their competence.

- A list of licences (permits for import/export of substances which damage the ozone layer and products which contain these substances or produced from them, permits for EIA – Environmental Impact Assessment, CITES permits – Convention on International Trade in Endangered Species, permits for import of waste, permits for transit of waste, permits for export of waste, permits for import of chemicals, permits for collecting, buying and trading in plants and animals, approval of reports on strategic environmental impact assessment (SEA), permits for collecting and transporting hazardous waste can be found on the following web-site of the Agency: <http://www.epa.org.me/index.php/me/dozvole>

Dissemination of information in the field of the environment is also done through the eGovernment Portal, web-sites of the local authority and Arhus centers.

The annual maintenance of applications was performed – Air app, as well as of the newly created website of the Remediation of Locations Polluted by Industrial Waste project. In the process of issuing of permits, the RAIS database is regularly updated, as well as the database on professionally exposed persons. In addition, the collection of all issued permits from the commencement of the functioning of the Agency continued in the “Issued Permits” database. The network for measuring of radioactivity in Montenegro was also established (5 measurement spots).

Activities on data collection, processing, validation and adjustment of air quality data formats are carried out regularly in order to prepare reports and meet the EEA obligation of Montenegro on an annual basis;

The Environmental Protection Agency website provides insight into the data on quality air in real time to citizens of Montenegro, as well as all other interested public, by clicking

on the application Air Quality Monitoring on <http://www.epa.org.me/vazduh/>. Data are registered at 9 automatic measuring spots throughout Montenegro where air quality is monitored in accordance with European and domestic legislation. In addition to absolute concentrations expressed as average values for hourly concentrations, air quality is shown by a spectrum of colours, from light green to dark red, associated with the European air quality index which is more acceptable to the public and explained by the relevant advice of the Institute of Public Health which refer to recommended behaviour in cases of impaired air quality. Beside real-time data, monthly reports on air quality with validated data, as well as Annual reports on air quality are also available on the Agency's website. Through cooperation with the Institute of Hydrometeorology and Seismology, when there is a need for that, the population is informed about the air quality forecast for the next day, based on the use of forecast models.

Beside recognizing the importance of air quality for human health, the Agency also provides information on allergenic pollen concentrations on the <https://polenmontenegro.wixsite.com/polenepa> website which creates a pollen calendar by measuring pollen concentrations at 5 locations in Montenegro every year, as well as weekly reports on allergenic pollen concentrations, in order to provide a large population sensitive to allergenic pollen with basic information on the types of allergenic plants, periods with the highest expected concentrations and thus help overcome the unpleasant symptoms of pollen allergy.

Through the GEF 7 project "Integrating biodiversity into sectoral policies and practices and strengthening the protection of key points of biodiversity in Montenegro", a website (<https://biodiversitymontenegro.me/>) has been developed, containing an interactive map that shows the most important conservation areas features by the presence of a large number species and habitats of excellent and good representativeness; as well as maps and information about areas with international protection status in Montenegro. This interactive map is available to the public.

In 2023, the NGO Program for the Environment (EnvPro) created an application through the implementation of the project "Waters of the Balkans: bioindicators, education and tourism". <https://biomonitoring.me/> for implementing the biomonitoring program in the Rijeka Zeta Nature Park.

The web portal "Nationally protected areas" consists of a map of nationally protected areas, a database and documents for each protected area with the aim of providing accurate and reliable data on nationally protected areas in Montenegro. link: <http://www.prirodainfo.me/> . The next phases of the portal development will be focused on creating other thematic databases in accordance with international and national obligations (flora, fauna, fungi, habitats, internationally protected areas, areas under preventive protection, invasive alien species species, speleological cadastre, etc.). The Database for Natura 2000 was also updated, which aims to store, review and manage data on the distribution and condition of habitats and species on the territory of Montenegro, which serve the purpose of future determination of potential Natura 2000 areas. The system enables data management supported by GIS technology. The database is in the development phase in terms of integration of data available so far on

the distribution of habitats and species collected in accordance with the Natura 2000 methodology.

The Ministry, in cooperation with the UN Mediterranean Action Plan for the Environment and its centers, is implementing the project "Implementation of Ecosystem Approach in the Adriatic Sea through Marine Spatial Planning" (GEF Adriatic). In 2021, the web application for entry, check and processing of oceanographic parameters with a database for reporting on the Marine Environment Status through the GEF Adriatic project was established. Specifically, it is of great importance for all Mediterranean countries that are signatories to the Barcelona Convention to have information systems that are compatible with the IMAP Info system - Information system of the Barcelona Convention. In addition to data storage, the database is also necessary for the creation of reports to international bodies such as the Barcelona Convention and the European Environment Agency. The system is fed with all data collected as a result of monitoring of the marine ecosystem for the area of eutrophication contaminants, marine litter, habitats (seagrass and corals) and invasive species. Activities to maintain this database will continue in the coming period. More information at the link: <https://www.adriatic.eco/albanian-and-montenegrin-national-imap-info-systems/>

In February 2022, the Ministry, in cooperation with the UN Development Program, started the implementation of the project "Strengthening the Montenegrin Nationally Determined Contribution (NDC) and adaptation actions within the framework of transparency" through the initiative for capacity building for transparency - CBIT. The aim of the project is to improve the reporting of gases with the greenhouse effect through the cooperation of institutions and thereby reduce the emission of harmful gases at the level of Montenegro, as well as support the action of adaptation and mitigation of climate change. A significant part of the project is dedicated to greater transparency and efficient flow of data, as well as establishing a system for monitoring, reporting and data verification. The project is financed by the Global Environment Facility (GEF), and is implemented by the Ministry, with the help of the UNDP office in Montenegro. Also, as part of the project "Fourth National Communication and First Biennial Report on Transparency of Montenegro towards the United Nations Framework Convention on Climate Change - FNC/BTR", the Environmental Protection Agency will update the GHG inventory until 2021.

At the end of 2023, the Ministry of Agriculture, Forestry and Water Management and the Water Administration presented the new **Water Information System (VIS)** - a unique database on surface and underground waters, which aims to provide a solid basis for sustainable management of water resources in Montenegro (<https://vis.gov.me>) The database on water courses, rivers, the presence of groundwater and other hydrological characteristics enables authorized users to obtain information on specific locations, identify risks from flooding, source protection zones, location and impact of industrial facilities and landfills. In the coming period, the automation of data exchange with institutions in Montenegro will be ensured, after which the VIS will be available to the general public.

On the website of the Water Management Administration <https://www.gov.me/uprava-zavode/vodna-knjiga> you can find information about the issued water documents that are registered in the water book.

On the website of the Institute for Hydrometeorology and Seismology <https://www.meteo.co.me/> data on surface and underground waters are available (hydrological data from the Institute's automatic hydrological stations).

On the website of the Government - Office for Sustainable Development <https://www.sdgmontenegro.me/goals/> you can find information on sustainable development goals, that is, by clicking on a specific goal, statistics for global indicators of

sustainable development goals for Montenegro are given. This site is based on the open source platform Open SDG.

XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5

Give relevant web-site addresses if available:

Answer:

<https://www.gov.me/mers>
<https://www.gov.me/mers/ekologija>
<https://www.gov.me/mers/slobodan-pristup-informacijama>
<https://www.gov.me/mers/saradnja-sa-nvo>
<http://www.epa.org.me/>
<http://www.epa.org.me/index.php/dokumenti/izdate-dozvole>
<http://www.epa.org.me/index.php/dokumenti/>
<http://www.epa.org.me/index.php/dokumenti/izvjestaji-2>
<http://www.epa.org.me/index.php/dokumenti/regulativa>
http://www.epa.org.me/index.php?option=com_content&view=article&id=388:izvjestaj-o-stanju-zivotne-sredine-na-bazi-indikatora&catid=87:azzs
<http://www.epa.org.me/index.php/dokumenti/obavjestenja-eia>
<http://www.epa.org.me/index.php/dokumenti/javna-knjiga-eia>
<http://www.epa.org.me/index.php/dokumenti/obavjestenja-sea>
<http://www.epa.org.me/index.php/component/content/article/87-azzs/281-proaktivni-pristup-informacijama>
<http://www.ozon.org.me/category/arhus-info-centar/>
<http://www.euprava.me/>

XV. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON PUBLIC PARTICIPATION IN DISCUSSIONS ON SPECIFIC ACTIVITIES IN ARTICLE 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6

Explain how each paragraph of Article 6 is implemented.

Answer:

Transposition of public participation in making decisions on specific activities referred to in Article 6 of Aarhus Convention shall be ensured through a number of regulations, mentioned in Article 5.

Describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, paragraph 9.

Answer:

As in Article 4.

Also, and in particular, describe:

(a) With respect to paragraph 1, measures taken to ensure that:

(i) The provisions of Article 6 are applied with respect to decisions on whether to permit proposed activities listed in Annex I to the Convention;

Answer:

Article 7, paragraph 1 of the **Law on Environmental Impact Assessment** defines that the Government Regulation determines: projects which require an assessment study and projects which may require assessment study. The competent body decides on the need for impact assessment study in each individual case for projects for which a study may be required.

In the **Regulation on the projects which require environmental impact assessment, projects for which environmental impact assessment** must be conducted are defined in List I of this Regulation, and projects which may require environmental impact assessment are defined in List II of this Regulation.

Article 6 of the **Law on Industrial Emissions** stipulates that the types of activities, plants and limit capacities within every type of activity for which a permit is issued are determined by a regulation of the Government.

The Regulation on types of activities and plants, for which integrated permit is issued, defines types of activities, plants and limit capacities within every type of activities for which integrated permits are issued.

(ii) The provisions of Article 6 are applied to decisions on proposed activities not listed in Annex I which may have a significant effect on the environment;

Answer:

Please refer to provisions of Article 7 paragraph 1 of the Law on Environmental Impact Assessment. In the Regulation on the projects which require environmental impact assessment, projects for which environmental impact assessment must be conducted are defined in List I of this Regulation, and projects which may require environmental impact assessment are defined in List II of this Regulation.

(b) Measures taken to ensure that the public concerned is informed, early in an environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in paragraph 2;

Answer:

Article 5 of the Law on Environment defines the principle of access to information and participation of public according to which everyone shall have the right to be informed about environmental status and to participate in the process of decision-making whose implementation could affect the environment. The data on the status of environment shall be public. Article 72 of this law also stipulates that the state administration bodies, administration authorities, and local administration authorities are in charge of environmental protection affairs. They are obliged to timely inform the public and public concerned on the decision making procedures in issues pertaining to the environment which relate to the following: strategic assessment of the effects of plans and programmes on the environment; assessment of effects on the environment; procedures for issuing the licence for integrated prevention and pollution control by approving the functioning of new or existing plants; strategies, plans, programmes and other

documents in the field of environment, and other issues related to environment in accordance with special regulations.

For all projects which are planned and executed, and which may have substantial environmental impact, provisions of the Law on Environmental Impact Assessment prescribe, *inter alia*, that the competent authority shall inform interested public in regards to giving opinion within the procedure of deciding on the environmental impact assessment for the project, Article 13 paragraph 1; deciding on the requirement for defining the scope and contents of the elaborate (Article 16 paragraph 4 and paragraph 8); deciding on the requirement for issuing approval for the elaborate (Article 20 paragraph 1 and Article 24 paragraph 5).

The Law on Industrial Emissions stipulates that the competent authority informs the interested bodies, organizations and the public about the content of the request for issuing of an integrated permit; on the draft permit and the possibility to review supporting documents; on the decision on issuing a permit, i.e. denying the request for issuing a permit (Articles 12, 13, 16).

The Law on Environmental Impact Assessment, Article 29, regulates the matter of informing other states about trans-boundary impact, i.e. if a project can have a substantial environmental impact in another country or if requested by the country whose environment may be significantly affected, the authority responsible for environmental protection matters shall notify another country as soon as possible, and not later than the deadline stipulated for informing its public.

The Law on Industrial Emissions, Article 31, stipulates that if operations of a plant may have a significant negative impact on the environment of another country, or if requested by the country whose environment may be significantly affected, the authority competent for environmental protection matters delivers information to another country for consideration.

(c) Measures taken to ensure that the timeframes of the public participation procedures respect the requirements of paragraph 3;

Answer:

Requirements relating to public participation prior to making administrative decisions that allow activities that are likely to have a significant impact on the environment are defined in the Law on Environmental Impact Assessment (Article 13, 16, 20, 21 and 24). In the Law on Industrial Emissions, provisions on time limits for public participation are provided in Articles 12, 13, 16.

(d) With respect to paragraph 4, measures taken to ensure that there is early public participation;

Answer:

Please refer to Articles 13, 16 and 20 of the Law on Environmental Impact Assessment and Article 12 of the Law on Industrial Emissions.

(e) With respect to paragraph 5, measures taken to encourage prospective applicant to identify the public concerned, to enter into discussions, and to

provide information regarding the objectives of their application before applying for a permit;

Answer:

The Law on Environmental Impact Assessment and the Law on Industrial Emissions stipulate that the competent authority shall before each stage in the process inform the public and public concerned about the planned implementation of the project or activity in order to timely provide opinions and suggestions. Notification is made by at least one local or daily newspaper that is published in the area that will be affected by the planned project, as well as through electronic media. The competent authority shall, when deciding at each stage, consider the opinions of interested bodies and organizations and the public, and take them into account when deciding.

- (f) With respect to paragraph 6, measures taken to ensure that:**
(i) The competent public authorities give the public concerned all information relevant to the decision making referred to in Article 6 that is available at the time of the public participation procedure;
(ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;

Answer:

Please refer to provisions of Articles 13, 16, 20, 24, 28, 29, 31 of the Law on Environmental Impact Assessment.

Also refer to provisions of Articles 12, 13, 16, 26, 31 of the Law on Industrial Emissions.

- (g) With respect to paragraph 7, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;**

Answer:

The Law on Environmental Impact Assessment stipulates, inter alia, that the competent authority shall inform interested public about giving opinions in the procedure of deciding on the need for impact assessment study (Article 13 paragraph 1) procedure of deciding upon the request for defining scope and contents of the elaborate (Article 16 paragraph 4 and paragraph 8); deciding upon the request for approval of the elaborate (Article 20 paragraph 1 and Article 24 paragraph 5).

The Law on Industrial Emissions stipulates that the competent authority shall inform interested authorities, organisations and public to give opinions on contents of the request for issuing integrated permission; about draft permission and opportunities to review supporting documents; (Articles 12, 13, 16).

The competent authority shall, when deciding at each stage, consider the opinions of interested bodies and organizations and the public, and take them into account when deciding.

- (h) With respect to paragraph 8, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;**

Answer:

Please refer to Article 14 and 24 of the Law on Environmental Impact Assessment and Article 13 and 16 of the Law on Industrial Emissions.

(i) With respect to paragraph 9, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;

Answer:

Please refer to Article 24 of the Law on Environmental Impact Assessment and Articles 13 of the Law on Industrial Emissions.

(j) With respect to paragraph 10, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied making the necessary changes, and where appropriate;

Answer:

The Law on Environmental Impact Assessment, Article 25, stipulates that a decision on the EIA study approval, as well as a decision that no EIA study is required ceases to be valid if the project leader fails to obtain building permit or apply for the start of construction of the facility or approval or consent for the execution of the project within two years from the date of obtaining of the decision.

Article 26 of the Law on Industrial Emissions stipulates that auditing of the permission must be performed every five years following its issuing.

(k) With respect to paragraph 11, measures taken to apply the provisions of Article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

Answer:

The Law on Genetically Modified Organisms, Chapter VI, regulates the matter of intentional introduction of GMO into the environment. Also, Article 32 defines that before the intentional introduction of GMOs, products containing, consisting of or deriving from GMOs into the environment, the applicant shall obtain the approval of the administration body competent for environment protection (Environmental Protection Agency). Before issuing an approval, the Agency may request the applicant to submit additional data. The applicant may in the application refer to the data or results of intentional introduction of GMOs into the environment from other application that has been submitted to the administration body competent for environmental protection if such data are not designated as a secret or if it has obtained written consent of the applicant in question. Provision of Article 33 stipulates that the administration body competent for environmental protection shall decide on the application within 90 days from the day the complete application was received. The administration body shall enter the applicant that has been approved for intentional introduction of GMOs, products containing, consisting of or deriving from GMOs into the environment, in the register of issued approvals for intentional introduction into the environment and shall issue a decision on entry in the register to the applicant within eight days from the day of such entry. Article 34 prohibits introduction of GMOs into the environment in the protected areas, in the areas intended for organic production of agricultural products, and in the areas for development of eco-tourism. Also, provision of Article 35 stipulates that the applicant shall, in the course of

the procedures for approving introduction of GMOs into the environment, without delay notify the competent body of any change in the requirements that are relevant for risk assessment, unintentional change or new information and it shall provide for more strict measures with the purpose of protecting human health and the environment, which are indicated in the application. When administration body competent for environmental protection gains knowledge of the information which may have significant effect on the assessment of risk to human health and the environment, it shall evaluate such information, make them accessible to the general public, and order the applicant to adjust the conditions of intentional introduction of GMOs into the environment or cancel the intentional introduction of GMOs and products containing, consisting of or deriving from GMOs into the environment. If, in the course of the procedure of introducing GMOs into the environment, the GMO business operator suspects that the level of risk is higher than the one that was estimated, it shall without delay cancel the introduction of GMOs into the environment and notify the administration body (Agency). Article 36 stipulates that the GMO business operator shall submit to the administration body competent for environmental protection the report on the progress of intentional introduction of the GMOs into the environment within 60 days from the day of introduction and, within the deadlines specified in the approval, submit interim reports in written or electronic form.

XVI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6

Describe any obstacles encountered in the implementation of any of the paragraphs of Article 6.

Answer:

- Existing institutional and other capacities of local self-government competent authorities is necessary to build them in the future, in order to achieve satisfactory implementation of the Article 6.
- Dissatisfaction of citizens regarding the choice of location where the implementation of certain projects is planned, which are subject to environmental impact assessment (e.g. construction of small hydroelectric power plants).
- Insufficient public participation. Although the public is informed in accordance with the regulations, in all phases, the public is not sufficiently interested in participating in the procedure. Occasionally there is subsequent interest from the public when the case has already been completed and the deadlines for appeals have expired.

XVII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in Article 6, e.g. are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this Article to proposed activities serving national defence purposes.

Answer:

Pursuant to the Law on Environmental Impact Assessment and the Law on Integrated Prevention and Control of Environmental Pollution / Law on Industrial Emissions, the Environmental Protection Agency and local government bodies responsible for environmental protection regularly conducts a public hearing in the process of issuing environmental approval and integrated permit.

Thus, the Environmental Protection Agency implemented:

- In 2021 -37 environmental impact assessment procedures (EIA)
- In 2022 - 48 environmental impact assessment (EIA) procedures
- In 2023 - 68 environmental impact assessment procedures (EIA)
- From 1 January to 31 July 2024 - 34 Environmental Impact Assessment (EIA) procedures. In the environmental impact assessment procedure, a public discussion is regularly conducted, and the public and the interested public are informed at all stages of the procedure.

No Integrated permits (IPPC procedures) were issued in 2021 and 2022, while 3 permits were issued in 2023, and 1 permit in 2024.

In accordance with Article 4 paragraph 3 of the Law on Environmental Impact Assessment, projects intended for defense are not subject to the impact assessment procedure.

XVIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6

Give relevant web-site addresses if available

Answer:

<https://www.gov.me/mers>

<https://www.gov.me/mers/ekologija>

<https://www.gov.me/mers/saradnja-sa-nvo>

<http://www.epa.org.me/>

<http://www.epa.org.me/index.php/dokumenti/izdate-dozvole>

<http://www.epa.org.me/index.php/dokumenti/>

<http://www.epa.org.me/index.php/dokumenti/izvjestaji-2>

<http://www.epa.org.me/index.php/dokumenti/regulativa>

http://www.epa.org.me/index.php?option=com_content&view=article&id=388:izvjestaj-o-stanju-zivotne-sredine-na-bazi-indikatora&catid=87:azzs

<http://www.epa.org.me/index.php/dokumenti/obavjestenja-eia>

<http://www.epa.org.me/index.php/dokumenti/javna-knjiga-eia>

<http://www.epa.org.me/index.php/dokumenti/obavjestenja-sea>

<http://www.epa.org.me/index.php/component/content/article/87-azzs/281-proaktivni-pristup-informacijama>

<http://www.ozon.org.me/category/arhus-info-centar/>

<https://arhus-centri.org.me/>

Union of Municipalities of Montenegro: <http://uom.me/>

web -site adress local authority responsible for environmental protection

XIX. PRACTICAL AND/OR OTHER PROVISIONS MADE FOR THE PUBLIC TO PARTICIPATE DURING THE PREPARATION OF PLANS AND PROGRAMMES RELATING TO THE ENVIRONMENT PURSUANT TO ARTICLE 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to Article 7. Describe the transposition of the relevant

definitions in Article 2 and the non-discrimination requirement in Article 3, paragraph 9.

Answer:

Transposition of provisions on public participation in the course of preparation of plans and programmes relating to environment referred to in Article 7 of the Aarhus Convention is ensured through a number of regulations in MNE:

- Constitution of Montenegro ("Official Journal of MNE", no. 01/07,38/13)
- Law on Environment ("Official Journal of MNE", number 52/16,73/19)
- Law on Environmental Impact Assessment ("Official Journal of MNE",no 75/18)
- Law on Industrial Emissions ("Official Journal of MNE", no. 17/19,3/23, 34/24)
- Law on Strategic Environmental Impact Assessment ("Official Journal of RMNE", no. 80/05, "Official Journal of MNE",no 59/11,52/16),
- Law on Nature Protection 54/16,18/19)
- Forest Law ("Official Journal of Montenegro", no. 74/10,47/15)
- Law on Waters ("Official Journal of MNE", no. 27/07, 32/11, 47/11...84/18)
- Law on Game and Hunting ("Official Journal of MNE", no.52/08, 48/15)
- Law on Protection from Noise in Environment ("Official Journal of Montenegro", no. 28/11, 1/14)
- Law on Genetically Modified Organisms ("Official Journal of Montenegro", no. 22/08)
- Law on Waste Management "Official Journal of MNE", no. 34/24)
- Law on Air Protection ("Official Journal of MNE", no. 25/10,43/15)
- Law on Spatial Planning and Construction of Structures ("Official Journal of MNE", no. 64/17, 44/18, 63/18, 11/19,18/20, 86/22, 4/23)
- Law on Prohibition of Discrimination ("Official Journal of MNE", no. 46/10,18/14)
- Decree on the Election of NGO Representatives to the Working Bodies of the State Administration Bodies and Conducting Consultation in Preparation of Laws and Strategies (Official Gazette of Montenegro, no. 41/18).

Article 7 of the Law on Strategic Environmental Impact Assessment provides the following definitions: plans or programmes; strategic environmental impact assessment of plans or programmes; strategic assessment report; public; interested public, interested authorities and organisations.

Please refer to provisions of Article 8 of the Constitution of Montenegro and Articles 1 and 2 of the Law on Prohibition of Discrimination.

XX. OPPORTUNITIES FOR PUBLIC PARTICIPATION IN THE PREPARATION OF POLICIES RELATING TO THE ENVIRONMENT PROVIDED PURSUANT TO ARTICLE 7

Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to Article 7.

Answer:

Article 5 of the Law on Strategic Environmental Impact Assessment stipulates that the strategic assessment shall be carried out for plans or programmes when there is a possibility that their implementation shall cause significant impacts on the environment. The strategic assessment elaboration is mandatory for all plans and programmes in the

area of agriculture, forestry, fishery, hunting, energy, industry, including mining, transport, tourism, regional development, telecommunications, waste management water management, coastal zone management, urban and spatial planning or land use planning, laying down the framework for future development of projects that are subject to environmental impact assessment elaboration in accordance with the special act, as well as for plans and programmes which, considering the area within which they are carried out, could affect the protected areas, natural habitats and preservation of wildlife. The decision on the need for strategic impact assessment for plans or programmes which envisage the use of smaller areas at local level or in case of minor changes to plans or programmes which do not require the prescribed process of adoption, and for plans or programmes not stated, shall be made by the authority competent for preparation of the plan or programme in compliance with criteria stipulated by this Law in order to establish whether substantial environmental impacts are likely to take place. Strategic assessment shall not be performed for plans and programmes intended for the country's defence, for plans of mitigation and removal of consequences of natural disasters and for financial and budgetary plans.

Article 10 of the Law prescribes that the competent authority responsible for preparation of plans or programmes shall make the decision on the elaboration of SEA based on the previously obtained opinion of the competent environmental protection authority, competent health care authority and other authorities and organisations concerned. The competent authority responsible for preparation of plans or programmes shall make the decision on the elaboration of SEA simultaneously with the decision on preparation of plans or programmes. We would also like to point out that the Law on Spatial Planning and Construction of Buildings defines that if the strategic environmental impact assessment is to be prepared for a planning document, in compliance with separate regulations, decision on this shall be made simultaneously with making the decision on drafting of the planning document (Article 31), and Article 42 stipulates that the report on strategic environmental impact assessment shall be placed for public hearing along with the placement of the planning document for public debate.

The Law on Strategic Environmental Impact Assessment regulates participation of the public in the phase of deciding upon approval to the Strategic Impact Assessment Report. Article 19 of this Law defines that the competent authority for preparation of plans or programmes (and implementation of strategic assessment) shall inform the public and the public concerned about the methods and deadlines for public inspection into the contents of the SEA Report and method of submission of opinions, as well as about the time and venue of public debate holding. The public debate cannot be held sooner than 30 days from the date of announcement to the public and the public concerned, and shall be carried out by the competent authority responsible for preparation of plans or programmes. As per provisions of Article 20, the competent authority responsible for preparation of plans or programmes shall compile the report on participation of authorities and organisations concerned and about the public debate within 30 days from the date of the public debate completion, and it shall include opinions submitted during the public debate in regards to the Strategic Impact Assessment Report and it shall include the rationale for all the accepted or rejected opinions. Further on, pursuant to Article 21 of the Law, the competent authority responsible for preparation of plans or programmes shall submit the Strategic Environmental Impact Assessment Report to the competent environmental protection authority for approval, along with the report on participation of authorities and organisations concerned. If implementation of a plan or a programme may have a negative impact on the environment of another country, or if another country whose

environment may be significantly endangered requests so, the competent state administration authority responsible for environmental protection shall submit, in the shortest period and not later than the date its own public is informed, information about the plan or the programme to the other country for consideration within the procedure of participation of stakeholders and organisations and public.

The Law on Spatial Planning and Construction of Structures provides the obligatory implementation of prior public participation, in the initial, earliest phase of drafting of planning documents, so the interested public can be introduced with the goals and purpose of the planning document and possible planning solutions. Organizing public hearings on the draft of planning document provides active participation of the public and interested users of space, which ensures maximum transparency in spatial planning. In accordance with this Law, transparency of data in the process of construction of facilities is also provided. Every act issued upon request for urban-technical conditions, as well as construction and use permit are published on the websites of local government bodies and the Ministry, which ultimately means full monitoring of these processes in all local self-governments, i.e. the Ministry, by all of interested public.

Also refer to the provisions of the following laws:

Law on Air Protection, Article 42

Law on Nature Protection, Article 50 and 51

Law on Protection from Noise in Environment, Article 16 and 18

Law on Forests, Article 16, 17 and 47

Law on Waters, Article 3, 30 and 31.

XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7

Describe any obstacle encountered in the implementation of Article 7

Answer:

Within the procedure of drafting of the planning document, interested users of space are given opportunities to submit initiatives for planning of certain segments on individual locations by submitting a request to the Ministry through the survey of users of space or during public debate.

Participation of public in drafting of planning documents contributes to the quality of documents and, at the same time, to raising awareness of importance of spatial planning.

Increasingly strong emphasis is placed on the public participation. Citizens are becoming aware that by participating actively in public debates, by giving comments and opinions, they become active partners in the process of drafting of planning documents and thus contribute to addressing matters of personal and public interest as well.

Public debates for national planning documents which last for 30 days are published in printed media; the draft plan with strategic assessment is reviewed; electronic version of the plan is put on the web-site of the Ministry; round tables take place.

XXII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 7

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in Article 7.

Answer:

In accordance with the Law on Strategic Environmental Assessment, based on the submitted requests, the Environmental Protection Agency issued the following:

- during 2021, 7 strategic environmental impact assessment (SEA) procedures;
- during 2022, 1 SEA procedure.
- during 2023, 1 SEA procedure.
- until August 2024, 3 SEA procedures.

In the procedure of reaching plans and programmes, the relevant authority for the preparation of the plan or programme ensures public participation by:

- Publishing on the website the draft of plan or programme with report on strategic environmental impact assessment, with an invitation to provide objections, opinions and comments.
- Informing the public and public concerned on the manner and deadlines for the insight in the reports on strategic assessment and provision of opinions, as well as the time and place of public hearings.
- Provided opinions are taken into account when decisions are made in the strategic assessment procedure, with the explanation of all opinions, accepted or not.

The Geoportal of the Real Estate Administration of Montenegro <https://geoportal.co.me/> provides access to spatial data from the jurisdiction of the Administration and other entities.

Pursuant to the Law on Spatial Planning and Construction of Structures, **the Plan and Technical Documentation Register**, has been established, which is run by the Ministry of Spatial Planning, Urbanism and State Property, at the web address: <https://lamp.gov.me/>. The register is a single database of valid planning documentation on the territory of Montenegro and technical documentation based on which the construction permits are issued. This web page enables the interested public to see the published documentation through free access to the Portal or through assigning certain user roles. The implementation of this web page enables a simple search by any criteria (planning document / investor, cadastral parcel, urban parcel, etc.) and at the same time represents a "library" of plans and projects.

Case “Brskovo Mine “

On 10 December 2010, the Government of Montenegro as the Grantor of the Concession and the Concessionaire and DOO "North Mining" - Podgorica as Concessionaire (the Concessionaire later changed its name to DOO "Brskovo Mine" - Podgorica) executed a Concession Agreement for detailed geological research and exploitation of sulphide polymetallic ore (Pb, Zn, Cu, FeS₂ and other accompanying metal sulphides) in the exploration and exploitation area of the former Mine "Brskovo" near Mojkovac for a period of 30 years.

After the first public discussion on the Draft Detailed Spatial Plan-DPP for the area of the concession area for the exploitation of mineral raw materials - Brskovo and the draft report on the Strategic Environmental Impact Assessment in 2023, there was a sharp reaction from some of the citizens of Mojkovac, as well as environmental and civic activists, primarily due to the fact that the concessionaire avoided mentioning the dangers to human health and the environment due to the proven presence of mercury and other heavy metals in the soil.

The Citizens' Initiative "Healthy Mojkovac" was formed with the aim of expressing the public opinion and attitude of citizens when it comes to the implementation of this project. The Citizens' Initiative, in a large number of press releases, pointed out the consequences of this project and the negative impact on people's health and the environment, should it come to fruition. Research shows that the soil of the wider area is still polluted with heavy metals, which are the result of the former activity of the Brskovo mine, which was active 30 years ago.

The Citizens' Initiative "Healthy Mojkovac" also addressed UNESCO regarding this case, which resulted in UNESCO's reaction at the last session held in Riyadh in 2023, where it was requested that the state of Montenegro submit, among other things, an impact assessment by December 2024 of this project to Durmitor National Park.

Representatives of the NGO More Beautiful Mojkovac and Citizens' Initiative "Healthy Mojkovac" were members of the state commission established by the Government with the aim of establishing the facts and proposing whether it is necessary to terminate the Agreement with the concessionaire. The Commission proposed to the Government to terminate the concession agreement. Subsequently, the Government hired a credible international law firm, which carried out a detailed analysis of the available documentation and suggested that the concessionaire is provided with any objections and a 60-day deadline to remedy the irregularities. Since the concessionaire did not submit an answer to the Government within the stipulated period, the Agreement was officially automatically terminated on 30 May 2024.

In this way, the Government of Montenegro has shown through responsible management that the health of citizens and their interests are the primary goal in conducting environmental protection policy.

XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7

Give relevant web-site addresses if available:

Answer:

See internet addresses under Article 6.

XXIV. EFFORTS MADE TO PROMOTE PUBLIC PARTICIPATION DURING THE PREPARATION OF REGULATIONS AND RULES THAT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO ARTICLE 8

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to Article 8. To the extent appropriate, describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, paragraph 9.

Answer:

Please refer to the provisions of Article 7, 67, 68 and 72 of the Law on Environment.

The Decree on the Election of NGO Representatives to the Working Bodies of the State Administration Bodies and Conducting Consultation in Preparation of Laws and Strategies that provides consultation with bodies, organizations, associations and

individuals (interested public) in the initial phase of drafting laws and strategies was adopted in 2018. This Decree stipulates that consultation of the interested public is not shorter than 15 days, while the public debate on the text of the draft law or strategy lasts from 20 to 40 days. The public invitation for participation in the public hearing is published on the website of the Ministry and the e-Government portal.

This Decree stipulates that during the public hearing, the Ministry takes care that the premises where the public hearing is organized are accessible to disabled persons. If the text of the draft law / strategy that is the subject of public debate, directly refers to the rights, obligations and legal interests of persons with hearing and speech disorders, i.e. persons with impaired vision, the Ministry will enable the public hearing to be conducted using sign language, i.e. the text of the draft law / strategy, will be available in audio or Braille.

After completing the public hearing, the Ministry prepares a report on the public hearing, which contains information about proposals and suggestions which were accepted and the proposals and suggestions that were rejected, with an explanation of reasons for acceptance / rejection. An integral part of the report on the public hearing is a report on consultations with the interested public and a report on the Inter-ministerial consultations, if they are carried out during the public hearing. The report is public. This Decree specifies the manner and procedure for cooperation between the ministries and other state administration bodies and non-governmental organizations, in addition to the criteria and procedure for the election of NGO representatives in working groups and other bodies established by the state administration.

XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8

Describe any obstacles encountered in the implementation of Article 8.

Answer:

Relatively low public interest in participating in the procedure of preparation of regulations.

XXVI. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 8

Provide further information on the practical application of the provisions on public participation in the field covered by Article 8.

Answer:

Article 8 of the Aarhus Convention envisages that each party shall “strive” to promote effective public participation in the procedure of adopting regulations that may have a significant effect on the environment. While the provision does not use imperative in terms of obligations of public authorities, it should be interpreted for the benefit of public participation. The term “regulations” should be interpreted broadly and it includes both laws and by-laws which may have a significant effect on the environment. Measures that should be taken in order to provide for public participation include: setting reasonable

timeframes for various phases of deciding, publishing and otherwise presenting publicly draft documents and including public in the decision-making process through public debates, whether directly or through consultative representation bodies.

In order to ensure participation by the public and non-governmental organizations in the preparation of laws, policies and other documents, the Ministry (as well as other ministries) regularly:

- Issues public invitations to NGOs to propose candidates in the composition of the working group for drafting the proposal of law or other subordinate legislation;
- Organizes public hearings when drafting laws, and strategic planning documents, etc;
- Publishes texts of draft regulations on the website of the Ministry, eGovernment Portal and Aarhus Centers, with a call for the submission of objections, comments and suggestions.

In order to ensure the participation of the public and non-governmental organizations in the process of developing laws, strategies and other acts in the field of the environment during **2021**, the Ministry has published 4 public calls for NGOs to propose candidates for participation in the drafting of the Draft Law on Amendments to the Law on Nature Protection, the Draft Law on Amendments to the Law on Biocidal Products, Amendments to the Regulation on Activities, i.e. activities emitting greenhouse gases for which a permit for the emission of greenhouse gases is issued, for a member of the commission for the distribution of funds to non-governmental organizations in order to implement educational campaigns on the safe management of long-term organic pollutants (POPS) in Montenegro. A public discussion was also organized for the Draft Law on Amendments to the Law on Biocidal Products and for the Draft Air Quality Management Strategy for the period 2021-2029, with an Action plan for the period 2021-2022.

During **2022**, the Ministry published 2 public calls for NGOs to nominate candidates for the composition of the working group, namely for the development of the Draft Law on Protection from the Negative Impact of Climate Change and the Chemicals Management Strategy Draft 2024-2026. The Office for Sustainable Development has published a Public Call for the nomination of representatives of non-governmental organizations to the National Council for Sustainable Development.

In April 2022, the Ministry established a working group for monitoring the implementation of activities related to the management of the Ulcinj Salina defined by the Action Plan for meeting the final criteria for Chapter 27 - environment and climate change. Among the members of the working group are 2 representatives of NGOs. A Public Discussion on the Draft Audit Study for the "Biogradska Gora" National Park was also organized.

In **2023**, a public discussion and meetings with stakeholders were held for the following environmental regulations: the National Chemicals Management Strategy 2024-2026, the Draft Law on Nature Protection and the Draft Law on Protection from the Negative Effects of Climate Change and Protection of the Ozone Layer. During this year, 9 public invitations/competitions were published for representatives of environmental NGOs,

In the period **January - September 2024**, the Ministry announced 9 public calls for NGOs to propose candidates for participation in the drafting of regulations in the field of the environment, namely for: 6 regulations in the field of waste management; National biodiversity strategies with action plan; Draft Law on Amendments to the Law on National Parks; Draft Law on Amendments to the Law on Chemicals. Consultations of interested non-governmental organizations with the aim of preparing a Sectoral Analysis to determine proposals for priority areas of public interest and necessary funds for financing programs and projects of non-governmental organizations from the Budget in 2025, public consultations for the drafting of the Draft Law on Amendments to the Law on Chemicals were also published, Public call for NGOs to work in the Coordinating Body for improving the management of protected areas of Montenegro; Public invitation to nominate a representative of a non-governmental organization as a member of the commission for the distribution of financial resources in public tenders related to the field of waste management, public consultations for the preparation of the 5th National Report on the implementation of the Aarhus Convention, and a public invitation to non-governmental organizations to participate in the preparation of this National Report. A public discussion was also organized for the Draft Law on Protection from the Negative Effects of Climate Change and Protection of the Ozone Layer, a Public Discussion on the Draft National Plan of Montenegro for Adaptation to Climate Change,

Public participation is also ensured in the process of declaring protected natural assets, in the way that public discussions are organized for the Proposal for an act on declaring an area protected and protection studies for protected natural assets, management plans for protected areas.

Thus, during 2022, a public discussion was organized for three Management Plan Proposals for marine protected areas (Platamuni, Katič and Stari Ulcinj), for the sake of transparency and better involvement of interested parties.

During 2024, a Public Discussion was organized on the Draft Protection Study and the Draft Decisions on Proclaiming Natural Monuments "Sopot" and "Dražin vrt"; Public discussion on Drafts of the revision study and Drafts of decisions on the declaration of the category, boundaries, status and regime of protection of the Natural Monument "Plaža Pećin" and the Natural Monument "Ratac with Žukotrljica".

In July 2024, the Ministry formed a Coordination Team for improving the management of protected areas in Montenegro. The task of the coordinating body is to encourage cooperation between managers of protected areas, share information important for the improvement of management of protected areas, as well as to provide professional support in the preparation and implementation of the activities of managers of protected areas. The members of the team are representatives of the NGO Green Home and the Association Parks Dinaride: network of protected areas of the Dinarides.

XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 8

Give relevant web-site addresses if available:

Answer:

Ministry of Ecology, Sustainable Development and Northern Region Development:

<https://www.gov.me/mers>

Environmental Protection Agency: <http://www.epa.org.me/>

Parliament of Montenegro: <http://www.skupstina.me/>

Official Journal of MNE: <http://www.slistcg.me>

http://www.mrt.gov.me/rubrike/javna_rasprava

<http://www.mrt.gov.me/rubrike/spi>

<https://www.euprava.me/eparticipacija/lista-javnih-rasprava>,

<http://www.epa.org.me/index.php/dokumenti/izdate-dozvole>

<http://www.epa.org.me/index.php/dokumenti/>

<http://www.epa.org.me/index.php/dokumenti/izvjestaji-2>

<http://www.ozon.org.me/category/arhus-info-centar/javne-rasprave/>

XXVIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO JUSTICE IN ARTICLE 9

List legislative, regulatory and other measures that implement the provisions on access to justice in Article 9.

Answer:

Transposition of provisions on access to justice referred to in Article 9 of Aarhus Convention is ensured through a number of regulations in MNE:

- Constitution of Montenegro ("Official Journal of MNE", no. 01/07,38/13)
- Law on State prosecution ("Official Journal of MNE", no.11/15,42/15...76/20, 59/21, 54/24)
- Law on Special State Prosecution ("Official Journal of MNE 10/15, 53/16,54/24)
- Criminal Code ("Official Journal of RMNE", no. 70/03, 7/04, 47/06, "Official Journal of MNE 40/08...49/18,3/20,144/21, 145/21, 110/23)
- Criminal Procedure Code ("Official Journal of MNE", no. 57/09, 49/10...28/18,116/20)
- Law on Liability of Legal Entities for Criminal Offences ("Official Journal of RMNE", no. 2/07, 13/07, "Official Journal of MNE" no.73/10,30/12,39/16)
- Law on Criminal Offences ("Official Journal of MNE", no. 01/11, 06/11, 39/11,32/14,43/17,51/17)
- Civil Procedure Act ("Official Journal of RMNE", no. 22/04, 28/05, 76/06, "Official Journal of MNE",48/15...42/19,76/20, 108/21)
- Law on Constitutional Court ("Official Journal of MNE", no.11/15,55/19)
- Law on Courts ("Official Journal of MNE", no. 11/15,76/20, 54/24)
- Law on Inspection Supervision ("Official Journal of RMNE", no. 39/03, 76/09,57/11,11/15,52/16)
- Law on Free Access to Information ("Official Journal of RMNE", no. 44/12,30/17)
- Law on Administrative Procedure ("Official Journal of MNE", no. 56/14...37/17)
- Law on Administrative Dispute ("Official Journal of MNE", no. 54/16)
- Law on State Administration ("Official Journal of MNE", no. 78/18, 70/21, 52/22)
- Law on Local Self Government ("Official Journal of MNE"no. 2/18,34/19,38/20,50/22, 84/22)

- Law on Civil Servants and Government Employees ("Official Journal of MNE", no. 2/18,34/19,8/21, 37/22)
- Law on Prohibition of Discrimination ("Official Journal of MNE", no. 46/10,18/14,42/17)
- Law on Prohibition of Discrimination Persons with Disabilities ("Official Journal of Montenegro", no. 35/15, 44/15)
- Law on Environment ("Official Journal of MNE", No.52/16,73/19)
- Law on Environmental Impact Assessment ("Official Journal of MNE", no. 75/18)
- Law on Industrial Emissions ("Official Journal of MNE", no. 17/19,3/23, 34/24)
- Law on Strategic Environmental Impact Assessment ("Official Journal of RMNE", no. 80/05, "Official Journal of MNE", no. 59/11, 52/16)
- Law on Nature Protection ("Official Journal of MNE", no. 54/16,18/19)
- Law on Genetically Modified Organisms ("Official Journal of Montenegro", no. 22/08)
- Law on Waste Management "Official Journal of MNE", no. 34/24)
- Law on Protection of Air ("Official Journal of MNE, no. 25/10,43/15,73/19)
- Law on Secrecy of Data ("Official Journal of MNE", no. 14/08, 76/09... 48/15,74/20)
- Law on Free Legal Aid ("Official Journal of MNE", no. 20/11,20/15).

Explain how each paragraph of Article 9 has been implemented. Describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, paragraph 9.

Answer:

Please refer to provisions of Articles 8, 20 and 23 of the Constitution of Montenegro; Articles 1 and 2 of the Law on Prohibition of Discrimination; Article 73 of the Law on Environment; Articles 20 and 24 of the Law on Free Access to Information.

Also, and in particular, describe:

(a) With respect to paragraph 1, measures taken to ensure that:

(i) Any person who considers that his or her request for information under Article 4 has not been dealt with in accordance with the provisions of that Article has access to a review procedure before a court of law or another independent and impartial body established by law;

Answer:

Pursuant to the **Law on Free Access to Information**, Article 34 prescribes that against a decision of the authorities taken after the application for access to information, the applicant and other interested person may appeal to an independent supervisory body responsible for the protection of personal data and access to information - the Agency for Protection of Personal Data and Access to Information. The Agency shall adopt a decision on the appeal against a decision on the application for access to information and submit it to the complainant within 15 days of the filing of the appeal. Article 44 of this Law stipulates that an applicant for access to information and other interested person has the right to court protection in administrative proceedings, and that the proceedings on the complaint regarding access to information shall be urgent. Accordingly, against the final decision on an application for access to information, administrative court proceedings can be initiated and acting on the complaint shall be urgent. This Article provides for further protection of fundamental rights and freedoms and such protection is at the same time the protection of the public interest, rights of citizens and truth.

Regarding the possibility of using an appeal in legal proceedings, Article 119 of **the Law on Administrative Procedure** stipulates that a party has the right to appeal against a decision rendered in the first instance or when the decision is not rendered within the statutory time limit, unless the appeal is permitted by law. An appeal is a regular legal instrument that initiates a second-instance administrative procedure as a procedure for controlling the work of a first-instance body. There is no such type of control without an appeal, because the second-instance procedure cannot be initiated or conducted *ex officio*.

The Law on Administrative Dispute stipulates that a plaintiff is a natural or legal person who believes that an administrative act or other administrative activity has violated his right or legal interest (Article 10, paragraph 1). It was also determined that an administrative dispute may be initiated against an administrative act passed in the second instance as well as against a first instance administrative act against which no appeal or objection is allowed in administrative proceedings, as well as against other administrative activity when prescribed by law (Article 12 paragraph 1) and that the administrative dispute is initiated by a lawsuit (Article 16, paragraph 1).

(ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;

Answer:

The Law on Free Access to Information, Article 31, provides that the authority shall, upon the application for access to information, adopt a decision and deliver it to the applicant within 15 days from the date of application. Exceptionally, in the case where it is necessary to protect the life or liberty of persons, an authority shall adopt a decision and deliver it to the applicant immediately and at the latest within 48 hours of the application.

If the scope of the requested information is great and if access to information that contains data marked as confidential is requested, or if finding the requested information requires searching through extensive documentation, so that access to information within the prescribed period would unreasonably interfere with the regular operations of the authority, the deadline for adoption and delivering a decision may be extended for 8 days.

Also, Article 32 stipulates that the authority shall implement the decision allowing access to information within three days of receipt of the decision by the applicant, or within five days after the applicant has submitted proof of payment of the costs of the proceedings, if so requested by the decision.

Pursuant to the Law on Free Access to information, no fee will be charged for an application for access to information, and the applicant shall bear only the actual costs of the authorities relating to copying, scanning and submitting the requested information, which is regulated by the Decree on compensation expenses in the process of access to information ("Official Gazette of Montenegro", 66/16).

If the applicant is a person with disabilities or in social need, the cost of the procedure for access to information shall be borne by the authority.

The Law on Administrative Procedure, Article 8, paragraph 1, stipulates that a public authority shall enable the parties and other participants in the administrative procedure to exercise and protect their rights and legal interests as easily and efficiently as possible, taking care that the exercise of their rights and legal interests is not at the expense of the rights and legal interests of other persons and that it is not contrary to a public interest; The administrative procedure must be conducted without delay and with as little cost as possible, but in such a manner that all the facts and circumstances relevant to the successful and complete exercise and protection of the rights and legal interests of the parties or other participants in the procedure are properly and fully established (Article 10). The provisions of Article 96 define that the body conducting the procedure may exempt the party from paying the costs in the administrative procedure entirely or in part, if he / she cannot bear those costs without damage to his / her necessary maintenance, or, the necessary maintenance of his / her family. A foreigner may be exempted from paying the costs when this is provided for in an international treaty, and if there is no such treaty, under the condition of reciprocity.

Before rendering a decision, the public authority conducting the procedure shall notify the party about the results of the examination procedure and the party shall have the right to declare on the results of the examination procedure (Article 111). The deadline for rendering and delivering the decision in the administrative procedure shall be 30 days from the date of initiation of the procedure, unless otherwise prescribed by a separate law (Article 114). When an administrative procedure has been initiated at the request of a party and a public authority does not render and deliver a decision to the party within the prescribed or extended deadline, it shall be considered that the request was upheld, if so prescribed by a separate law. In this case, the party shall have the right to request from the first instance or second instance public authority a certificate that its request was upheld. The certificate must contain all the elements of a decision upholding the party's request.

(iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;

Answer:

The Law on Free Access to Information in Article 30, paragraph 5, prescribes that the decision rejecting an application for access to information, i.e. re-use of information shall contain a detailed explanation of the reasons why access to the requested information i.e. re-use of information is not allowed. Provisions of Article 38 of the Law stipulate that the Agency is responsible to adopt a decision following an appeal on the decision on access to information and submit it to the complainant within 15 days of the filing of the appeal.

(b) Measures taken to ensure that within the framework of national legislation, members of the public concerned meeting the criteria set out in paragraph 2 have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and

procedural legality of any decision, act or omission subject to the provisions of Article 6;

Answer:

The Law on Administrative Dispute stipulates that an administrative dispute may be initiated against an administrative act adopted in the second instance and against a first instance administrative act against which no appeal or objection is allowed in administrative proceedings, as well as against other administrative activity when prescribed by law, and that the administrative dispute is initiated by a lawsuit before the Administrative Court (Articles 12 and 16).

Pursuant to Article 44 of the Law on Free Access to Information, it is stipulated that an applicant for access to information and other interested person has the right to court protection in administrative proceedings, and that the proceedings on the complaint regarding access to information shall be urgent.

Article 107 of the Law on Offences, prescribes that the criminal procedure in the first instance shall be managed by an individual judge, and in the second instance the court shall rule in a panel of judges comprising three judges. This Law stipulates that the proceedings can be initiated based on the request of a relevant authority (state administration authorities, local administration authorities, authorised inspectors and other entities with public authority, as well as the state prosecutor), injured party or defendant (Article 111).

The Law on Environment proscribes the protection of all segments of the environment including the right to court protection in this area. That is why Article 5, item 13) of this Law introduces the principle of protection of the right to a healthy environment and access to legislation, as one of the basic principles: any citizen or groups of citizens, their associations, professional or other organisations have the opportunity to influence the relevant authorities and the court when decisions are made on issues relevant for the environment and legal protection. Furthermore, Article 73 of this Law stipulates that the "Public concerned in the procedure of decision making on the issues pertaining to environment, has the right to initiate a decision review procedure before the relevant authorities, i.e. court in accordance with the law. The interested public has the right to complain against the decision of a relevant authority for environment, i.e. to submit a complaint to the relevant court in accordance with special regulations."

Provisions of Articles 14,16 and 24 of the Law on Environmental Impact Assessment regulate the right to complain.

Provisions of Article 16 of the Law on Industrial Emissions regulate the right to complain.

Provisions of Article 5 of the Law on Genetically Modified Organisms regulate the right to complain. Namely, a complaint against the first-instance decision of the administrative authority responsible for environmental protection in the field of GMOs, may be filed with the Ministry competent for environmental protection (Article 5 paragraph 3 in relation to Article 10 paragraph 1 line 6).

(c) With respect to paragraph 3, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenges acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;

Answer:

In the legal system of Montenegro, every individual or legal entity is provided with court or administrative protection within which decisions are taken on their rights and obligations. Procedures before courts are regulated by a number of regulations in the field of court protection. Obligation of courts is also stipulated in terms of acting legally, objectively and timely when deciding upon legal matters under their competence, which is stipulated by provisions of the Law on Courts, which prescribe that everyone shall have the right to address the court for the purpose of practicing their rights and that they are all equal before the court (Article 3); that the work of the court shall be public, except in cases stipulated by the Law (Article 4); that everyone shall be entitled to unbiased trials within reasonable periods (Article 5).

In addition to responsibilities of legal entities, the Law on Liability of Legal Entities for Criminal Offences stipulates responsibilities of legal entities for committed criminal offences based on the principle of objective responsibility.

Consequently, within the competence of this Ministry, it has been established that complaints filed against a decision made in the first-instance administrative procedure by the Environmental Protection Agency and the Administration for Inspection Affairs – Department for environmental inspection shall be decided upon by this Ministry.

It is only the Law that may prescribe that complaints are not permitted in individual administrative matters if the protection of rights and legal interests of clients, or protection of legality, has otherwise been ensured. Complaints are not permitted against a decision made in the second-instance.

The Law on Administrative Dispute stipulates that an administrative dispute may be initiated against an administrative act adopted in the second instance and against a first instance administrative act against which no appeal or objection is allowed in administrative proceedings, as well as against other administrative activity when prescribed by law, and that an administrative dispute is initiated by a lawsuit before the Administrative Court (Articles 12 and 16). This means that this Law introduces, in addition to administrative matters, other legal matters as well, into the system of administrative and court protection, and thus fully strengthens the system of general court protection against all administration acts.

The Protector of Human Rights and Freedoms of Montenegro (Ombudsman) also plays a significant role in assisting the public in achieving legal protection in environmental matters.

The Protector of Human Rights and Freedoms of Montenegro is an independent and autonomous institution, which takes measures to protect human rights and freedoms, when those have been breached by an act, action or inaction of state authorities, state administration bodies, local authorities and local self-government and other holders of public powers, as well as measures to prevent torture and other forms of inhuman or degrading treatment and punishment and measures for protection against discrimination. The 2023 annual report from the Protector of Human Rights and Freedoms indicates that significant environmental threats persist, including illegal warehouses, unsanitary storage facilities that do not adhere to established standards, and the indiscriminate disposal of hazardous industrial waste. It is imperative to address the acute deficiency in administrative ability at both central and local levels, as well as within inspection bodies, the inadequate inter-institutional coordination, and the absence of a sustainable financing structure. Competent inspections are crucial for identifying and addressing

environmental pollution; therefore, it is essential to emphasize the importance and timeliness of the preventive function of inspection authorities in environmental impact assessments, implementing actions within their legal authority, and particularly accountability measures. Public engagement in the decision-making process is occurring, although need enhancement. Despite advancements in adhering to the three core principles of environmental law—public participation in decision-making, access to environmental information, and access to justice—institutions must continue to enhance the implementation of environmental protection standards. It is essential to have several public talks regarding environmental and ecological issues. Advancement towards ecological democracy signifies the mobilization of civil society; the advocacy, education, and incorporation of environmental rights into educational curriculum is a matter that warrants explicit attention.

(d) With respect to paragraph 4, measures taken to ensure that:

(i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;

(ii) Such procedures otherwise meet the requirements of this paragraph;

Answer:

Article 32 of the Constitution of Montenegro stipulates that everyone shall have the right to fair and public trial within reasonable and independent, impartial court established by the Law. Provisions of Article 120 stipulate that the hearing before the court shall be public and the ruling shall be pronounced publicly and that the court may exclude the public from the hearing or one part of the hearing.

Regarding the possibility of using an appeal in administrative proceedings, Article 119 of **the Law on Administrative Procedure** stipulates that a party has the right to appeal against the decision rendered in the first instance or when the decision was not rendered within the statutory deadline, except if the appeal is not allowed by law. The decision on appeal must be rendered and delivered to the party as soon as possible, and at the latest within 45 days from the day of receipt of the appeal, unless there is a shorter deadline prescribed by a separate law (Article 130).

Please refer to the provisions of Article 375 and 378 of the Criminal Procedure Code and Article 47 of the Law on Offences

(e) With respect to paragraph 5, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

Answer:

Article 21 of the Constitution of Montenegro stipulates that everyone shall have the right to legal aid, and that legal aid shall be provided by the bar, as an independent and autonomous profession, and by other services. Legal aid may be provided free of charge, in accordance with the Law.

Article 1 of the Law on Free Legal Aid stipulates that free legal aid, in accordance with this Law, shall be provided for the purpose of practicing the right to a fair trial to a private entity whose financial situation does not allow practicing of the right to court protection without damaging necessary support of such entity or its family. The free legal aid implies ensuring necessary means for full or partly coverage of costs of legal

counselling, making of notifications, representation in the procedure before the court, State Prosecution and the Constitutional Court of Montenegro, and in the procedure of out of court settlement of disputes, and the relieving from payment of costs of the court procedure (Article 2).

Provisions of legal aid are contained in a number of laws which regulate only individual forms of legal aid. Therefore, provisions of Article 28 of the Law on Local Self Government stipulate that the municipality, inter alia, shall organise and provide legal aid to citizens.

Article 103 of the **Law on Offences** stipulates that if the defendant or some other person who participates in the procedure could omit an action because of the lack of information, and thus fails to use his/her rights, shall be advised by the court about the rights he/she is entitled to pursuant to this Law, and about the consequences of omitting such action.

The **Law on Administrative Procedure**, Article 8, stipulates that the ignorance or lack of awareness of the party or other participant in the administrative procedure cannot be at the expense of the protection of their rights and legal interests.

The provisions of Article 72 of the **Law on Environment**, stipulate that state administration bodies, administrative bodies and local government bodies competent for environmental protection are obliged to timely inform the public and the interested public about decision-making procedures in environmental matters relating to: strategic environmental impact assessment of plans and programmes; environmental impact assessment; the procedure for issuing a permit for integrated pollution prevention and control through the approval of the operation of new or existing facilities; strategies, plans, programmes and other documents in the field of environmental protection; other environmental issues in accordance with special regulations. Furthermore, the provisions of Article 73 of this Law stipulate that the interested public in the decision-making procedure in environmental matters has the right to initiate the procedure of reviewing the decision before the competent authorities, i.e. the court in accordance with the law. The interested public has the right to file an appeal against the decision of the competent body for environmental protection, and the right to file a lawsuit to the competent court in accordance with special regulations.

XXIX. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 9
Describe any obstacles encountered in the implementation of any of the paragraphs of Article 9.

Answer:

In the implementation of efficient penal policy in the field of environment, Montenegro shares problems faced by countries in the region, and similar problems occur, in a lower extent, in a lot less developed countries,

The reasons for having only a few legally binding decisions in the field of environment are mostly due to the fact that certain norms pertaining to these criminal acts have not been precisely defined, and therefore the following norms are interpreted differently:

- “pollution to a large extent and in a broad area”;
- “hazard for the life and health of people”;
- “extensive destruction of plant and animal life”.

In this sense, the provisions in this area were harmonized with the European Union - 2008/99/EC Directive on the protection of the environment through criminal law by

Amendments to the Criminal Code of 2013. The most important novelties include the introduction of new offenses (environmental pollution by waste and ozone depletion - Article 303a and 303b), and for the purpose of this study it is particularly important that the legal standard "on a large scale or a more extensive, i.e. wider area" is maintained only for two offenses (Article 307 and 308), while the corresponding norms are now clearer and more precise (using the legal standard, "substantial damage", and a number of standards were significantly amended). Also, qualified forms of the most serious crimes were threatened by long-term legal penalties. An illustrative example is the new Article 303 which now in paragraph 1 regulates in a different manner the basic form of criminal act of environmental pollution specifying that any person shall be punished with imprisonment up to three years, "who violates the regulations on the protection, preservation and enhancement of the environment by dropping, placing or disposing of certain amount of substances or ionizing radiation in air, water or land which endangers the life, body or health of human beings, or causes the risk of occurrence of significant damage in relation to the quality of air, water or soil, or animal or plant life." The qualified forms of the offense are also prescribed, if serious bodily injury or serious damage is caused to the health of one or more persons, and if the death of one or more persons is caused, which is threatened with imprisonment for a term of two to ten, or three to twelve years.

Amendments to the Criminal Code from 2023, for the purpose of legal protection of the environment and spatial planning, new criminal offenses were prescribed, being as follows: "Destruction of Mushrooms" (Article 308a), "Unauthorized Exploitation and Damage during the Exploitation of River Sediment" (Article 308b), "Training animals for fighting and organizing animal fights" (Article 309a), "Introducing and spreading invasive foreign species" (Article 312a), while "Forest devastation" (Article 323) has been amended with regard to the amount of the penalty and confiscation of items used to commit the said criminal offense, and "Forest theft" (Article 324) has been amended in such a way that the items used to commit the said criminal offense are confiscated.

In Montenegro, as well as in the Balkan region, environmental crime takes different forms, representing a significant threat to natural resources. Illegal logging remains a widespread problem, and in addition, the trade in wildlife, especially endangered species, continues to thrive, contributing to the decline of biodiversity. Illegal disposal of hazardous waste also poses a serious risk to the environment and human health. Moreover, illegal fishing and the use of prohibited equipment led to depletion of fish stocks and damage to marine and freshwater ecosystems. Smuggling of substances that damage the ozone layer, and recent cases of illegal exploitation of sand and gravel in Morača and Cijevna further aggravate the ecological challenges facing Montenegro. The fight against these crimes requires efficient measures and national, as well as regional/international cooperation.

Having this in mind, a several recommendations may be given, which would contribute to higher efficiency in minor criminal and criminal proceedings for environmental protection in relation to:

- closer cooperation between competent inspection authorities, State Prosecution, Police Directorate and the court, based on a signed Memorandum of Cooperation;
- organizing of seminars and round tables to provide training to both inspection authorities and prosecutors and judiciary in the field of environment and for their

- better awareness of material regulations in this field, with inclusion of experts from the region;
- preventive actions of inspection authorities and raising awareness of citizens about importance of environmental protection in order to prevent criminal offences and minor criminal offences;
- developing manuals on legal protection of the environment, which would contain comparative legal and court practice as well;
- establishing databases on criminal offences in the field of environmental protection.

XXX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 9

Provide further information on the practical application of the provisions on access to justice pursuant to Article 9, e.g. are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?

The following data represents the **Ministry's** statistical information of submitted **environmental appeals** (encompassing nature, chemicals, industrial pollution, assessment and strategic environmental impact assessment, liability for environmental damage, noise, air, waste, ionizing and non-ionizing radiation) against the decision of the Environmental Protection Agency and the Directorate for Inspection Affairs - Department for Environmental Inspection. Information is also provided on environmental **complaints** lodged against the Ministry's decision, which were adjudicated by the Administrative Court of Montenegro.

In the **2022** second-instance administrative procedure, the Ministry received 39 appeals against the decisions of the Environmental Protection Agency, resulting in 34 decisions being as follows: Nine decisions resulted in the dismissal of the Agency's decisions leading to retrials and decision-making, 18 decisions dismissing the appeal and confirming the decisions of the Agency and 6 decisions which dismissed the decisions of the Agency and decided on the merits and one decision which suspended the procedure

The rulings on appeals filed against the decision of the Directorate for Inspection Affairs - Department of Environmental Inspection resulted in two decisions that upheld the decision of the environmental inspector and 3 decisions which dismissed the decision of the environmental inspector and sent the case back for retrial and decision-making.

During the reporting period, 19 responses to the complaint were filed with the Administrative Court of Montenegro, challenging the decision of this Ministry (14 complaints were lodged by the same legal entity). The court proceedings are ongoing. One judgment was passed by the Administrative Court of Montenegro, which accepted the lawsuit and annulled the decision of this Ministry

In the **2023** second-instance administrative procedure during 2023, a total of 24 appeals were submitted to the Ministry, against the decisions of the Environmental Protection Agency, according to which 19 decisions were made, being as follows: 13 decisions by which the decisions of the Agency were dismissed and the cases were returned for retrial and decision-making, and 2 decisions which dismissed the Agency's decisions and decided on the merits, 4 decisions rejecting the appeal and confirming the Agency's

decisions. One complaint was filed at the end of December, thus for those reasons it was postponed to 2024.

The ruling on the appeals filed against the decision of the Directorate for Inspection Affairs - Department of Environmental Inspection, resulted in three decisions were made, namely two decisions dismissing the decision of the environmental inspector and sending the case back for retrial and one decision rejecting the appeal and confirming the decision of the environmental inspector.

During this period, 4 responses to the complaint were submitted to the Administrative Court of Montenegro, contesting the decision of this Ministry. The proceedings before the Court are ongoing.

In the second-instance administrative procedure in the period January-September **2024**, a total of 31 environmental appeals were submitted to the Ministry-Directorate for Ecology, of which 21 were against the decisions of the Environmental Protection Agency and 10 were against the decisions of the Directorate for Inspection Affairs. In 16 cases (10 Agency and 6 UIP) the decision was annulled and sent back for re-decision, while in 15 cases (Agency) the appeal was dismissed as unfounded.

The **Ministry of Justice - Judicial Council of Montenegro** provided statistical data for the period 2021 to July 2024 on the number of filed criminal charges and the outcome of proceedings for environmental crimes.

Thus, in the course of 2021, as the result of the environmental crime offenses the following was adopted: 148 convictions, 2 acquittals, 4 suspensions of proceedings, 11 refusals, 116 suspended sentences, 13 prison sentences, 9 community service, 48 fines, 6 warnings.

During 2022, as the result of the environmental crime offenses the following was adopted: 117 convictions, 2 acquittals, 1 rejection, 87 suspensions of proceedings, 19 suspended sentences, 18 prison sentences, 8 sentences - work in the public interest, 31 fines, 1 measure warnings and 1 court warning.

During the year 2023, as the result of the environmental crime offenses the following was adopted: 157 convictions, 1 acquittal, 2 rejections, 121 suspended sentences, 15 prison sentences, 13 sentences - community service, 40 fines, 2 special obligations.

In the first half of 2024, as the result of the environmental crime offenses the following was adopted: 51 convictions, 3 refusals, 43 suspended sentences, 6 prison sentences, 1 sentence - community service, 9 fines.

The **statistical data** indicate that the majority of crimes pertain to forest theft and unauthorized construction of structures without registration and construction documentation, whereas a lesser number of crimes involve illegal hunting, illegal fishing, animal cruelty or the torture and killing of animals and destruction their habitats, environmental pollution and damage, destruction and damage to protected natural assets.

In the reporting period 2021-2024, through the **Center for Training in the Judiciary and Prosecutor's Office**, a large number of trainings on the topic of the environment were conducted for judges and prosecutors:

- On 14 May 2021, in Podgorica, the Center for Training in Judiciary and State Prosecution conducted online training as part of the 2021 Program for Continuous Training of Judges and State Prosecutors, focusing on "**Criminal Offenses in the Field**

of Environmental Protection." The course was attended by 14 participants: 7 judges, 1 court adviser, 4 state prosecutors, 1 intern in state prosecution, and 1 adviser at the Protector of Property and Legal Interests of Montenegro.

- On 15 and 16 February 2021, the United Nations Economic Commission for Europe (UNECE) convened the **thirteenth meeting of the Working Group on Access to Justice** in an online format, under the rules of the Aarhus Convention. The seminar concentrated on advancing public interest lawsuits in environmental matters. One participant from Montenegro participated in the online meeting through the Center.

- 21 February – 21 April 2022 - In collaboration with the Center for Training in Judiciary and State Prosecution and the HELP Program of the Council of Europe for the Western Balkans and Turkey, a regional initiative under the joint European Union and Council of Europe program titled "Horizontal Mechanism for the Western Balkans and Turkey 2019-2022," the HELP online course on **"Environmental Protection and Human Rights"** was successfully conducted to enhance the training of judicial officials in the domain of human rights. A total of 35 participants successfully finished this course, comprising eight (8) judges, three (3) state prosecutors, twelve (12) court advisers, three (3) advisers from state prosecution offices, three (3) court interns, two (2) judicial participants, and four (4) participants.

- On 15 and 16 November 2022, in Podgorica, the Luxembourg Technical Support Program for Montenegro, titled **"Strengthening the Capacity of Judicial Bodies and the Quality of the Judiciary,"** facilitated a regional conference on "Application of the Law on Environmental Protection in the Field of Pollution." This event was organized by the Training Center in the Judiciary and the State Prosecutor's Office in collaboration with the Judicial Academy of Serbia and the European Institute for Public Administration (EIPA), with support from the Government of Luxembourg. Seventeen (17) individuals attended the meeting, comprising 7 judges, 7 state prosecutors, 1 prosecution consultant, and 2 members from the Judicial Academy of Serbia.

- On 9 October 2023, in Podgorica, the Center for Training in Judiciary and State Prosecution conducted a training session on **"Criminal Offenses in the Field of Environmental Protection"** as part of the 2023 ongoing training program for judges and state prosecutors. Thirteen participants attended the course, comprising two judges, five state prosecutors, four court counselors, and two advisers from the State Prosecutor's Office.

-From 31 January to 1 February 2024, in Dubrovnik, Croatia, the Office for the Development, Support and Education of Prosecutors Abroad (OPDAT) of the United States Department of Justice, in conjunction with the State Department's Bureau for Combating International Drug Trafficking and Law Enforcement (INL Program), held a regional workshop entitled **"Transnational Organized Crime and Corruption in the Context of Environmental Protection Crimes."** This program was intended for judges, state prosecutors, law enforcement, and financial investigators to augment their proficiency in addressing environmental crime, corruption, organized crime, and money laundering. One special prosecutor attended the aforementioned training conducted by the Center for Training in the Judiciary and the State Prosecutor's Office.

- From April 1 to April 5, 2024, in Opatija, Croatia, the Office of the International Police Training and Support Program (ICITAP) at the US Embassy in Zagreb conducted a regional workshop addressing organized crime related to environmental protection and corruption. One special prosecutor from the Center attended the aforementioned regional workshop.

- On 18 and 19 April 2024, in Pristina, the Swedish Environmental Protection Agency (EPA), in collaboration with the European Institute of Public Administration (EIPA), conducted a diploma awarding ceremony for the successful completion of the second edition of the online course titled "Academy for EU Law in the Field of Environmental Protection." One (1) counselor from the Supreme Court of Montenegro participated in this training through the Center.

Montenegro engages in the regional initiative "Combating Environmental Crime in Montenegro and the Balkan Region." A round table was conducted in Montenegro on June 5, 2024, as part of an initiative organized by the OSCE. In October 2024, the Environmental Protection Agency, in collaboration with the OSCE Mission and the French Embassy in Montenegro, convened a national workshop titled "Environmental Crime in Montenegro and the Balkan Region," which attracted approximately 40 participants, including representatives from law enforcement, regulatory agencies, customs, the judiciary, non-governmental organizations, and the Agency. A regional workshop was conducted in Montenegro as part of this initiative.

XXXI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 9

Give relevant web-site addresses if available:

Answer:

Ministry of Ecology, Sustainable Development and Northern Region Development:

<https://www.gov.me/mers>

Environmental Protection Agency: <http://www.epa.org.me/>

Aarhus centres of Montenegro: <https://arhus-centri.org.me/>

Government of Montenegro: <http://www.gov.me/>

Parliament of Montenegro: <http://www.skupstina.me/>

Ministry of Justice: <https://www.gov.me/mpa>

Ministry of Interior: <https://www.gov.me/mup>

Official Journal of MNE: <http://www.slistcg.me>

Courts of Montenegro <http://sudovi.me/>

Protector of Human Rights and Freedoms of Montenegro <http://www.ombudsman.co.me>

Constitution Court of Montenegro: <http://www.ustavnisudcg.co.me>

Supreme State Prosecutor Office: <https://sudovi.me/vrdt>

Administrative Court: www.upravnisud.org

Montenegro State Audit Institution: www.dri.co.me

Agency for Protection of Personal Data and Access to Information:

<http://www.azlp.me/index.php/me/>

Center for Training in the Judiciary and Prosecutor's Office <http://cosdt.me/>

Articles 10-22 are not for national implementation.

XXXII. GENERAL COMMENTS ON THE CONVENTION'S OBJECTIVE

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

When it comes to environmental protection, non-governmental organisations and the entire public gain great rights, because practically Aarhus Convention and its implementation in our country allows citizens to have a strong impact on all activities

which affect environmental quality and thus provide for quality environmental protection as per European principles.

XXXIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON GENETICALLY MODIFIED ORGANISMS PURSUANT TO ARTICLE 6bis AND ANNEX I bis

NOTE: Montenegro has not verified GMO amendment, i.e. it is not GMO amendment signatory.

XXXIV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF THE PROVISIONS OF ARTICLE 6bis AND ANNEX I bis

Answer

XXXV. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6bis AND ANNEX I bis

Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g. are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Answer

XXXVI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6bis

Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:

Answer

XXXVII. FOLLOW-UP ON ISSUES OF COMPLIANCE

If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate (a) what were the measures; and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.

Please include cross-references to the respective sections, as appropriate.