

# **Questionnaire for the report of MONTENEGRO on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2016–2018**

## **Information on the focal point for the Convention**

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# Part one

## Current legal and administrative framework for the implementation of the Convention

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

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text (e.g., EIA Law of the Republic of ..., art. 5, para. 3, of Government Resolution No. ..., para. ... item...)

### Article 1 Definitions

I.1. Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?:

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of impact in the legislation

Your comments:

The Law ratifying the Convention on Environmental Impact Assessment in a Transboundary Context (International Treaties of Montenegro, Official Gazette 08/08);

I.2. Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1? Please specify each below.

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of transboundary impact in the legislation

Your comments:

Law ratifying the Convention on Environmental Impact Assessment in a Transboundary Context (International Treaties of Montenegro, Official Gazette 08/08); and Law on Environmental Impact Assessment (Official Gazette of the Republic of MNE, no 075/19, article 3).

I.3. Please specify how major change is defined in your national legislation:

Domestic law states that any change or extension of projects listed in Annex I or List II, already authorized, executed or whose realization is in progress, and whose changes or extensions can have significant negative consequences for the environment (Regulation on Projects subject to Environmental Impact Assessment (Official Gazette of the Republic of Montenegro, no 20/07, 53/14, 037/18).

I.4. How do you identify the public concerned? Please specify (more than one option may apply):

- (a) Based on the geographical location of the proposed project
- (b) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (c) By other means (please specify):

Your comments:

The public concerned means the public that the project affects or is expected to be affected, including non-governmental organizations dealing with environmental protection; interested authorities and organizations are state bodies, organizations and local self-government bodies that have an interest in environmental decision making (Law on Environmental Impact Assessment (Official Gazette of the Republic of MNE, no 075/19, article 6, point 6 and 7).

## **Article 2**

### **General provisions**

I.5. Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2):

- (a) Law on EIA: Yes. Listed below.
- (b) EIA provisions are transposed into another law(s) (please specify):
- (c) Regulation (please indicate number/year/name): Listed below.
- (d) Administrative (please indicate number/year/name):
- (e) Other (please specify):

Your comments:

- The Law ratifying the Convention on Environmental Impact Assessment in a transboundary Context (International Treaties of Montenegro, Official Gazette 08/08);
- The Law on Environmental Impact Assessment (Official Gazette of MNE, no 075/19)
- The Regulation on Projects subject to Environmental Impact Assessment (Official Gazette of the Republic of Montenegro, no 20/07, 53/14, 037/18);
- The Rulebook on the content of documents to be submitted with the application to decide on the need for elaboration of the Environmental Impact Assessment Study (Official Gazette of Montenegro, no 19/19);
- The Rulebook on the content of documents to be submitted with the application to determine the scope and content of the Environmental Impact Assessment Study (Official Gazette of Montenegro, no 19/19);
- The Rulebook on the content of Environmental Impact Assessment Study (Official Gazette of Montenegro, no 19/19);
- The Rulebook on the content, form and manner of keeping public records of the proceedings and decisions on Environmental Impact Assessment (Official Gazette of Montenegro, no 14/07).

I.6. Please describe any differences between the list of activities in your national legislation and appendix I to the Convention, if any:

- (a) There is no difference, all activities are transposed in the national legislation as is
- (b) It differs slightly  (please specify):

Your comments:

There is no difference. It has been stipulated by the Law ratifying the Convention on Environmental Impact Assessment in a transboundary Context (International Treaties of Montenegro, Official Gazette 08/08).

I.7. Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country (please specify):

- (a) There are different authorities at national, regional, local levels
- (b) They are different for domestic and transboundary procedures
- (c) Please name the responsible authority/authorities: Ministry of Sustainable Development and Tourism and Nature and Environment Protection Agency
- (d) There is no single authority responsible for the entire EIA procedure:

Your comments:

The Ministry of Sustainable Development and Tourism is competent authority responsible for the implementation of the Espoo Convention, for the transboundary procedure. The Nature and Environment Protection Agency (EPA) is responsible for the EIA domestic procedure on state level. The Nature and Environment Protection Agency is the authority responsible for implementing the procedure for environmental impact assessment on governmental level, while local units are responsible for EIA procedure on local level. The Ministry of Sustainable Development and Tourism is the authority responsible for conducting the cross-border notification procedure, and consultations among parties involved. The notification is submitted to the Ministry of Foreign Affairs of Montenegro too, to be delivered through diplomatic channels to the competent authority of the Affected party.

I.8. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it:

- (a) No
- (b) Yes  (please specify): The Ministry of Sustainable Development and Tourism.

Your comments:

The Ministry of Sustainable Development and Tourism collects information on all the transboundary EIA cases.

I.9. How does your country, As a Party of origin and as an affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin's public, as required in article 2, paragraph 6 (please explain):

In accordance with the Law on Environmental Impact Assessment (Official Gazette of MNE, no 075/18) article 28 defines method of informing the public. It means that the public informing (Art. 13, 14, 16, 20 and 24 of the mentioned Law), is done through a printed media that is published on the area that will be affected by the impact of the planned project and via electronic media. Interested authorities and organizations are notified in writing (by post and fax) and electronically and by publishing on the website of the competent authority.

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

Where the intended project may have a significant impact on the environment of another state or where a country whose environment may be significantly threatened requests so, the Ministry shall, as soon as possible, submit to that State the information on:

- 1) the project, together with all available data on its potential impacts;
- 2) the nature of the decision that may be adopted;
- 3) the time period within which another State may declare its intention to participate in the impact assessment procedure.

The Ministry shall inform the state that participated in the environmental impact assessment procedure about the decision on granting the approval for environmental impact assessment or rejecting the application for granting the approval by providing the information on:

- 1) the contents of the decision and the conditions if they are determined;
- 2) the reasons on which the decision is based, including the reasons for accepting or rejecting the submitted remarks, proposals and opinions of the authorities and organizations and the public concerned;
- 3) the most important measures the project developer shall undertake in order to eliminate, prevent, mitigate or remediate the adverse effects.

The Ministry shall inform the public concerned in accordance with Article 28 of the Law about the information received on the transboundary impact of the project of another state.

The Ministry shall take into account the obtained opinions of the public concerned when giving the opinion on transboundary effects of the project of another state.

The information and consultations with other states on possible transboundary effects shall be carried out in accordance with this Law and the concluded international agreements.

The information and consultations may be carried out through a joint authority established on a bilateral and multilateral basis.

In a case where the country is Party of origin, Ministry contacts the contact of point of the Affected Party (plus communication through diplomatic channels) in order to deliver all relevant documentation and give the opportunity to the public of the Affected party to participate in transboundary procedure. The further communication goes via contact of points of involved parties. There is no difference between domestic or transboundary public. In a case where the country is Affected party the procedure is to be conducted as an domestic procedure.

### **Article 3 Notification**

I.10. As a Party of origin, when do you notify the affected Party (art. 3, para. 1)? Please specify:

- (a) During scoping
- (b) When the EIA report has been prepared and the domestic procedure started
- (c) After finishing the domestic procedure
- (d) At other times (please specify):

Your comments:

The state authority, responsible for environmental protection – Ministry of sustainable development and tourism, as soon as possible will notify the other country; it is stage when domestic procedure starts, EIA report is prepared and puts on public debate (The EIA Law Official Gazzette of MNE, No 075/18, article 29).

I.11. Please define the format of notification:

- (a) It is the format as decided by the first meeting of the Parties in its decision I/4 (ECE/MP.EIA/2, annex IV, appendix)
- (b) The country has its own format  (please attach a copy)
- (c) No official format used

Your comments:

So far, Montenegro has had no EIA procedures as a Party of origin. Montenegro will use the ECE/MP.EIA/2, annex IV, appendix format and will send all relevant documentation according domestic EIA Law ( The EIA Law (Official Gazzette of MNE, No 075/18, article 29).

I.12. As a Party of origin, what information do you include in the notification (art. 3, para. 2)? Please specify (more than one options may apply):

- (a) The information required by article 3, paragraph 2
- (b) The information required by article 3, paragraph 5
- (c) Additional information (please specify):

Information that should be included in Notification is described above. All additional documentation will be sent, too (such as additional studies, or all relevant information). According to the EIA Law the information that will be sent are as follows: 1) the project together with all available data about its potential impacts; 2) the nature of a decision that can be made; and 3) the period during which the other country may declare its intention to participate in the process of environmental impact assessment.

Your comments:

There were no EIA transboundary projects in Montenegro, as a Party of origin, so far.

I.13. As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, “within the time specified in the notification”)? Please specify:

- (a) National legislation does not cover the time frame
- (b) Yes, it is indicated in the national legislation  (please indicate the time frame):
- (c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations  (please indicate the average length in weeks):

Your comments:

So far Montenegro has had no transboundary projects as a party of origin. The time frame will be determined and agreed with each affected Party, on case by case base in the very beginning of the transboundary consultations. For example for the SEA Notification, procedure usually lasts 30 days.

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline:

It will be a matter of additional mutual consultation /agreements (with Affected party).

I.14. How do you inform the public and authorities of the affected Party (art. 3, para. 8)? Please specify:

(a) By informing the point of contact to the Convention listed on the Convention website<sup>1</sup>

(b) Other (please specify):

Your comments:

The contact point from the Ministry of Sustainable Development and Tourism cooperates with contact point or competent authorities responsible for the Espoo Convention of the affected party in both cases (case of Party of origin, and in case of affected Party). All relevant information is to be delivered to the contact point/competent authority and shall be presented to the public, concerned public, interested organisations, etc. The EIA Law establishes an obligation of the state authority responsible for environmental protection, as soon as possible to notify the other country. Opinions, comments and suggestions of the affected Party have to be taken into consideration by the competent authority when deciding on EIA approval. In parallel the notification goes through diplomatic channels (Ministry of Foreign Affairs).

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as an affected Party (art. 3, para. 3)? Please specify:

(a) Notified ministry/authority of the affected Party responsible for EIA decides on its own based on the documentation provided by the Party of origin

(b) Based on the opinions of the competent authorities of the affected Party

(c) Based on the opinions of the competent authorities and that of the public of the affected Party

(d) Other (please specify):

Your comments:

After the documentation is received from the Party of origin, the contact point sends the announcement to the domestic public and all interested bodies. Announcement is made in writing, electronically and on the web site of the Ministry. After gathering all comments received from stakeholders (have to be taken into account), EIA evaluation Commission based on received documentation and all domestic comments received from different stakeholders, gives an opinion to participate (or not). Based on this opinion Ministry of Sustainable Development and Tourism submits the final decision to participate (or not) to the contact of point/competent authority of the Party of origin.

I.16. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify:

(a) Following the rules and procedures of the Party of origin

(b) Following the rules and procedures of the affected Party

(c) Other (please specify):

Your comments:

Marked above, based on experience for SEA, usually it is a matter of mutual agreement.

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<sup>1</sup> List available from [http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm).

## Articles 3.8 and 4.2

### Public participation

I.17. How can the public express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

*As a Party of origin*

- (a) By sending comments to the competent authority/focal point
- (b) By taking part in a public hearing
- (c) Other (please specify):

*As an affected Party*

- (d) By sending comments to the competent authority/focal point
- (e) By taking part in a public hearing
- (f) Other (please specify):

Your comments: There is no difference whether the public is the public of the Party of origin or public of the Affected Party.

I.18. Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin:

- (a) Yes
- (b) No

Your comments: This means that the organization of a public hearing on the territory of the affected Party is not prescribed by the Law on EIA, and it will be matter of mutual consultation/agreement. If affected party requires, after transboundary consultation process is completed, and agreed so, a public hearing will be organized on the territory of the Affected Party, even this is not prescribed by the Law, it is a matter of mutual agreement between Party of origin and Affected party.

I.19. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:

- (a) Yes
- (b) No

Your comments:

Once the transboundary documentation is received, the entire procedure conducts as domestic procedure. The answer is marked as NO, because this is not prescribed as an article (provision) in the EIA Law, since in this case, the procedure is domestic.

## Article 4

### Preparation of the environmental impact assessment documentation

I.20. How do you ensure sufficient quality of the EIA documentation As a Party of origin? Please specify:



(a) The competent authority checks the information provided and ensures it includes all information required under appendix II as a minimum before making it available for comments

(b) By using quality checklists

(c) There are no specific procedures or mechanisms

(d) Other (please specify):

Your comments:

The EIA evaluation commission is to be formed to check the quality of the EIA documentation. Based on the opinion of the EIA evaluation commission, the competent authority passes the final decision.

I.21. How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1? Please specify (more than one option may apply):

(a) By using appendix II

(b) By using the comments received from the authorities concerned during the scoping phase, if applicable

(c) By using the comments from members of the public during the scoping phase, if applicable

(d) As determined by the proponent based on its own expertise

(e) By using other means (please specify):

Your comments:

All marked items are relevant. There is no difference between the procedures and format domestically and for the affected Party. Once prepared EIA study shall be sent to the domestic public as well as competent authority/contact point to the affected party.

I.22. How do you determine “reasonable alternatives” in accordance with appendix II, paragraph (b)?

(a) On a case-by-case basis

(b) As defined in the national legislation (please specify):

The Rulebook on the content of EIA includes a description of the alternatives considered. The description of alternatives considered includes an overview and description of alternatives studied by the project proponent, including an explanation of main reasons for the choice of a particular solution and impacts on the environment in terms of the choice, and relating to: the location or route; manufacturing processes or technology; methods of work during the execution and operation of the project; site plans and draft designs; type and choice of materials for the project implementation; time schedule for implementation and termination of operation of the project; date of beginning and completion of the project; size of the site or facility; the volume of production; pollution control; regulation of waste disposal including recycling, re-use and final disposal; regulation of access and transport roads; responsibilities and procedures for environmental management; training; monitoring; plans for emergency situations, removal of the project and bringing the site back to its original condition (for fixed-term projects).

(c) Other (please specify):

Your comments:

## **Article 5**

### **Consultations on the basis of the environmental impact assessment documentation**

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations between the authorities of the concerned Parties? Please specify:

- (a) Yes, it is obligatory
- (b) No, it does not have any provision on that
- (c) It is optional  (please specify):

Your comments:

Article 29 of the EIA Law stipulates organization of transboundary consultations between the authorities of the concerned Parties.

## **Article 6**

### **Final decision**

I.24. Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1):

- (a) Conclusions of the EIA documentation
- (b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2
- (c) Outcome of the consultations as referred to in article 5
- (d) Outcomes of the transboundary consultations
- (e) Comments received from the affected Party
- (f) Mitigation measures
- (g) Other (please specify):

The Law ratifying the Convention on Environmental Impact Assessment in a Transboundary Context (International Treaties of Montenegro, Official Gazette 08/08) and according to the EIA Law, the outcomes of transboundary consultation have to be taken into account and integral part of the EIA Study, as well as report from public hearing.

I.25. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1)?:

- (a) Yes
- (b) No

Your comments: Yes, in the same way. There is no difference between domestic public and authorities and public and authorities of the affected Party.

I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?:

- (a) No
- (b) Yes  (please specify): The Law ratifying the Convention on Environmental Impact Assessment in a Transboundary Context (International Treaties of Montenegro, Official Gazette 08/08).

Your comments:

I.27. Do all activities listed in appendix I (items 1-22) require a final decision to authorize or undertake such an activity?:

(a) Yes

(b) No  (please specify those that do not):

Your comments:

The Law ratifying the Convention on Environmental Impact Assessment in a Transboundary Context (International Treaties of Montenegro, Official Gazette 08/08) and The Regulation on Projects subject to Environmental Impact Assessment (Official Gazette of the Republic of Montenegro, no 20/07, 53/14, 037/18).

I.28. For each type of activity listed in appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the “final decision” to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para. 3), and the term used in the national legislation to indicate the final decision in the original language: Odlučivanje o saglasnosti

Your comments:

According to the domestic EIA Law, final decision is prescribed by article 24. Article 8 of the mentioned Law stipulates that the developer of the project for which the development of the Study is required or the project, for which the decision requiring the development of the study has been made, cannot proceed with the execution of the project, or obtain the development consent without the approval to the Study or decision that the development of the Study is not required.

## **Article 7**

### **Post-project analysis**

I.29. Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?:

(a) No

(b) Yes  (please specify the main steps to be taken and how the results of it are communicated):

Your comments:

The Law ratifying the Convention on Environmental Impact Assessment in a Transboundary Context (International Treaties of Montenegro, Official Gazette 08/08). Post-project analysis involves the implementation of measures provided under the EIA and a program for monitoring of the environment, as defined by the Law on Environmental Impact Assessment (Article 15).

## **Article 8**

### **Bilateral and multilateral cooperation**

#### **(a) Agreements**

I.30. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)?:

(a) No

(b) Yes  Please specify with which countries:

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

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

I.31. What issues do these bilateral agreements cover (appendix VI)? (More than one option may apply):

- (a) Specific conditions of the subregion concerned
- (b) Institutional, administrative and other arrangements
- (c) Harmonization of the Parties' policies and measures
- (d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis
- (e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA
- (f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities
- (g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies
- (h) Other, please specify:

Your comments:

There are no bilateral agreements with neighbouring countries so far. Besides this, as it is mentioned above, Montenegro has signed the Multilateral agreement under the Convention - the Multilateral Agreement of the SEE countries on the implementation of the Convention on environmental impact assessment in a transboundary context, in Bucharest, 2008.

This Agreement establishes obligations of the Parties to undertake all necessary legal, administrative and other measures to implement the provisions of the Convention, as well as the obligation to adopt criteria for identifying adverse transboundary impacts and ways of acting in the process of preparation of specific strategic, planning and development documents.

Application of the provisions of this Convention allows preventive action to better protect the environment from the adverse impacts that may arise due to implementation of concrete projects in neighbouring countries.

**(b) Procedural steps required by national legislation**

I.32. Please describe how the steps required for a transboundary EIA procedure under your national legislation correlate to domestic EIA in the lead-up to the final decision. If there are differences in the procedures for screening/scoping or for preparation of the environmental impact assessment and consultation, please specify.

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.

Your comments:

As it was mentioned above, Montenegro has had no transboundary procedures as Party of origin so far. According to the domestic Law on EIA, there is no difference between the domestic or transboundary

procedure and there is no difference in correlation to the final decision. It means, that the entire procedure has to be conducted as domestic procedure, whether the project falls to the transboundary procedure or not. After public consultation process is completed (includes transboundary procedure), and report from public hearing is prepared, all comments and suggestion have to be taken into account in the process of adaption of the final decision.

I.33. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?

- (a) No
- (b) Yes  (please specify):
  - (i) Special provisions:
  - (ii) Informal arrangements: No.

Your comments: So far, there are no special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects in domestic EIA Law.

I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?

- (a) No
- (b) Yes  (please specify):
  - (i) Special provisions:
  - (ii) Informal arrangements:

Your comments: Montenegro does not have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs), so far.

## Part two

### Practical application during the period 2016–2018

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

II.1. Does your country object to the information on transboundary EIA procedures that you provide in this section being compiled and made available on the website of the Convention? Please specify (indicate "yes" if you object):

(a) Yes

(b) No

Your comments:

#### 1. Experience in the transboundary environmental impact assessment procedure during the period 2016–2018

##### Cases during the period 2016–2018

II.2. If your country's national administration has a record of transboundary EIA procedures that were under way during the reporting period, in which your country was a Party of origin or affected Party, please list them in the tables II.2 (a) and II.2 (b) below (adding additional rows as needed).

Table II.2 (a)

##### Transboundary EIA procedures: As a Party of origin

Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	Length of the main steps in months			Final decision (date of issuing, if information is available)
				Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1.							
2.							
3.							
4.							
...							

Your comments: There were no transboundary EIA procedures, as a Party of origin, so far.

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

II.3. The Convention does not mention the translation of EIA documentation as an important prerequisite for the participation of potentially affected Parties in a transboundary EIA procedure. Please explain:

- (a) How has your country addressed the issue of the translation of EIA documentation?

For sure it will be an issue addressed in Notification and a matter of mutual agreement of involved parties.

- (b) What difficulties has your country experienced with regard to translation and interpretation, both as a Party of origin and as an affected Party, and what solutions has it found? So far there were no difficulties with regard to translation and interpretation.

- (c) Which Party covers the cost of translation of EIA documentation?

- (i) As a Party of origin:
- (ii) As an affected Party:
- (iii) Other, please specify:

According to the experience of SEA, usually Party of origin covers the cost of translation of the documentation. This should be case for the EIA procedures.

- (d) What parts of the EIA documentation does your country usually translate?

- (i) As a Party of origin:
- (ii) As an affected Party:

There were no examples as a Party of origin.

- (e) Please indicate whether and how the issue of translation is addressed in bilateral agreements between your country and other Parties.

Montenegro has no experience so far as a Party of origin, and has no bilateral agreements between country and other Parties.

- (f) As a Party of origin, in which language do you usually provide EIA documentation to the affected Party?

- (i) English
- (ii) The affected Party's language
- (iii) Other (please, specify)

Montenegro has no experience so far as a Party of origin.

- (g) As an affected Party, from which language do you usually translate?

- (i) English
- (ii) Language of the Party of origin
- (iii) Other (please, specify)

Usually received documentations were on the language of the Parties in the region. Since that the languages from the region may be understood in Montenegro, there was no need for translation of the received documentations.

- (h) Describe any difficulties that your country has encountered during public participation procedures and consultations under article 5, for example with regard to timing, language and the need for additional information.

According to the information from the Montenegrin media and NGOs, in the end of September 2018, neighbouring Republic of Albania intends to build small hydropower plants on Cijevna river. Cijevna river is transboundary river, running to both Montenegro and Albania. Its canyon is recognised as an area of exceptional natural values according to the criteria of the Council of Europe and the Bern Convention and is the potential Emerald site. Since Montenegro was not notified on the intention of the Republic of Albania to construct small hydropower plants on the Cijevna river and was not given the possibility to participate in the process of exchange of information in a transboundary context and in line with the Espoo convention in October 2018 Montenegro kindly requested Republic of Albania to submit information and documentation related to EIA. Request was sent through diplomatic channel and via National Contact point for the Espoo Convention.

So far Montenegro did not receive information neither EIA documentation from Republic of Albania. Difficulties that Montenegro has had faced were related to notification, the possibility for domestic public to participate and not given possibility to participate in transboundary procedure.

- (i) As a Party of origin: Montenegro has no experience so far.

Experience with public participation
Experience with consultations under article 5

- (ii) As an affected Party:

EIA transboundary procedure for the EIA for construction of the small Hydro Power Plants Brodarevo 1 i Brodarevo 2 in Republic of Serbia

Experience with public participation
Notification of EIA transboundary procedure for the EIA for construction of the small Hydro Power Plants Brodarevo 1 i Brodarevo 2 in Republic of Serbia (officially in hard copy), from Republic of Serbia was received in Ministry of Sustainable development and Tourism on 23 <sup>rd</sup> February 2016.
After Notification received, Ministry of Sustainable development and Tourism has announced (on 23 <sup>rd</sup> February 2016) all relevant institutions, NGOs, by setting up the documentation on its website <a href="http://www.mrt.gov.me/organizacija/zivotna_sredina/158044/Prekogranicne-konsultacije-za-Studiju-o-procjeni-uticaja-na-zivotnu-sredinu-projekta-izgradnje-HE-Brodarevo-1-i-Brodarevo-2.html">http://www.mrt.gov.me/organizacija/zivotna_sredina/158044/Prekogranicne-konsultacije-za-Studiju-o-procjeni-uticaja-na-zivotnu-sredinu-projekta-izgradnje-HE-Brodarevo-1-i-Brodarevo-2.html</a>
Ministry has collected all relevant comments from public consultation from relevant stakeholders. Also, the EIA Commission for the report evaluation was established.

Experience with consultations under article 5
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Ministry has collected all relevant comments from public consultation process from relevant stakeholders. Also, the EIA Evaluation Commission for the transboundary EIA documentation was established.

Also, Montenegrin delegation took part on public hearing for mentioned documentation on 04<sup>th</sup> March 2016. in Prijepolje, Republic of Serbia, available on the following link:

[http://www.mrt.gov.me/organizacija/zivotna\\_sredina/158538/Prekogranicne-konsultacije-Odrzana-javna-rasprava-za-Studiju-o-procjeni-uticaja-na-zivotnu-sredinu-projekta-izgradnje-HE-Brodare.html](http://www.mrt.gov.me/organizacija/zivotna_sredina/158538/Prekogranicne-konsultacije-Odrzana-javna-rasprava-za-Studiju-o-procjeni-uticaja-na-zivotnu-sredinu-projekta-izgradnje-HE-Brodare.html)

The EIA Evaluation Commission (12 April 2016) prepared the report of the evaluation of the EIA for construction of the small Hydro Power Plants Brodarevo 1 i Brodarevo 2 in Republic of Serbia, which was sent to the relevant institution to the Serbia. Comments received from public were taken into account.

- (i) Please describe how the costs of interpretation during the hearings are covered:
- (ii) By the Party of origin: There was no language barriere.
- (iii) By the affected Party: There was no language barriere.
- (iv) Shared by both Parties concerned:
- (v) Developer:
- (vi) Other, please specify For the cases conducted so far there was no need for translation.

II.4. Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information:

For the above mentioned case, the issue of timing was agreed with relevant institution. There was no language barriere. The final decision was never submitted to the Montenegro about mentioned project.

Another issue is related to the request of Republic Montenegro to the Republic of Albania for submission of EIA documentation for the construction of small hydropower plants on Cijevna River (which is transboundary river). The documentation was requested on 7<sup>th</sup> October 2018. So far the documentation was not received.

II.5. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?:

- (a) Yes
- (b) No

So Far Montenegro has had no joint cross-border projects.

II.6. If you answered yes to question II.5, please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):

- (a) For joint cross-border projects:
- (b) For NPPs:

II.7. Please provide examples from your experience during the reporting period (either complete cases or elements such as notification, consultation and public participation) that, in your view, constitute good practice:

Montenegro has had no examples that could serve as a such good example (described above).

II.8. Would your country like to introduce a case in the form of a Convention "case study fact sheet"?

- (a) No
- (b) Yes  (please indicate which cases):

For the future projects (cases) it could be possibility for Montenegro to introduce a case in the form of a Convention "case study fact sheet".

II.9. Has your country carried out post-project analyses in the period 2013–2015:

- (a) No  For the transboundary project, no.
- (b) Yes  (please indicate which projects, along with the challenges in implementation and any lessons learned): No, so far.

## 2. Experience in using the guidance in 2016–2018

II.10. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?

(a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):

No

Yes  (please provide details): For better understanding and better implementation of the Espoo Convention.

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

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

No

Yes  (please provide details):

Your experience with using this guidance: The document ECE/MP.EIA/6, annex V, appendix (ECE/MP.EIA/6) is not publicly available.

Your suggestions for improving or supplementing the guidance:

(c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):

No

Yes  (please provide details):

Your experience with using this guidance: Informative character of the document, for the better implementation.

Your suggestions for improving or supplementing the guidance:

### **3. Clarity of the Convention**

II.11. Has your country had difficulties implementing the procedures defined in the Convention, either As a Party of origin or as an affected Party, because of a lack of clarity of the provisions?

No

Yes  (please indicate which provisions and how they are unclear):

Different countries in the region have different interpretation of the provisions of the Convention (Article 2, Article 3, Article 5, Appendix I, List of activities).

### **4. Suggested improvements to the report**

II.12 Please provide further suggestions (preferably specific drafting proposals) for how this report could be improved.