THE APPLICATION OF THE ESPOO CONVENTION AND ITS PROTOCOL IN THE MEDITERRANEAN REGION

Presentation of the development in the legislation on EIA and SEA in Adriatic countries

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THE INTERNATIONAL CONTEXT

• Montenegro has ratified the CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT - ESPOO CONVENTION with its two amendments: the First and the Second (Official Gazette of Montenegro, International Treaties No 8/08);

• Montenegro signed the MULTILATERAL AGREEMENT AMONG THE COUNTRIES OF SOUTH-EASTERN EUROPE FOR IMPLEMENTATION OF THE CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT, (the Law on Ratification of the Multilateral agreement is published in the Official Gazette of Montenegro, International Treaties No 02/09);

• Law on Ratification of the SEA Protocol - PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT IN A TRANSBOUNDARY CONTEXT, to the Espoo Convention, is published in the Official Gazette of Montenegro - International Treaties, 02/09.
THE EU CONTEXT
ENVIRONMENTAL ASSESSMENTS


THE NATIONAL CONTEXT

- THE LAW ON ENVIRONMENTAL IMPACT ASSESSMENT (Official Gazette of Montenegro 27/13) and a set of bylaws
- THE LAW ON STRATEGIC ENVIRONMENTAL ASSESSMENT (Official Gazette of Montenegro 59/11)

- were adopted by Parliament of Montenegro - 2005
- implementation started - 2008

- Laws stipulate the implementation on the central and local level
Environmental Impact Assessment

The main transposing instrument is the Law on Environmental Impact Assessment and a set of bylaws:
- Decree on project subject to environmental impact assessment ("Official Journal of Republic of Montenegro No 20/07),
- Rulebook on the content of documentation to be submitted together with request for determination on the need for environmental impact assessment ("Official Journal of Republic of Montenegro No 14/07),
- Rulebook on the content and extent of documentation to be submitted together with request for determination on the scope and content of environmental impact assessment (Official Journal of Republic of Montenegro No 14/07),
- Rulebook on the content of environmental impact assessment (Official Journal of Republic of Montenegro No 14/07)

The Amendment of the Law on Environmental Impact Assessment has been adopted in June 2013 (compliance with ESPOO and EIA Directive)
The objectives of EIA Law:

- The EIA shall identify, describe and assess, in each individual case, the potential direct or indirect impact of an intended project on the following:
  - human life and health, flora and fauna
  - land, water, air, climate and landscape
  - material assets and cultural heritage
  - mutual relations of mentioned elements.
Strategic Environmental Assessment

- The main transposing instrument is the Law on Strategic Environmental Assessment
- The Amendment of the Law on Strategic Environmental Assessment has been adopted in November 2011 (compliance with SEA Directive)

The objectives of SEA Law
1) to ensure that environmental and public health issues are fully taken into consideration in the development of plans or programs;
2) to set clear, transparent and efficient procedures for SEA;
3) to provide for public participation;
4) to provide for sustainable development;
5) to enhance the level of protection of human health and the environment.
GENERAL OBLIGATIONS

- The authority responsible for preparing a plan or program shall not submit the plan or program for further adoption procedure without having previously obtained an approval of the SEA Report from the authority responsible for environmental protection.

- A project developer may not commence with project implementation without having conducted environmental impact assessment (EIA) procedure and obtained the approval of the Competent Authority for the EIA Study.
COMPETENCIES

- Competent authority in charge of preparation of plans or programs is responsible for the implementation of the **SEA procedure**:
  - The state administration body responsible for preparing the plan or program - for the plans and programs to be adopted by the authorities at the national level
  - The local administration body responsible for preparing the plan or program - for the plans and programs to be adopted by the authorities at the local level.

The authority responsible for granting an approval of the SEA Report:
- Is the Administration authority responsible for environmental protection (EPA)
- Is the local authority responsible for environmental protection

Competent authorities responsible for the implementation of the **EIA procedure** are:
- a state authority responsible for environmental protection - for projects for which approvals, permits and licences are issued by other state authorities (EPA)
- a local authority responsible for environmental protection - for other projects for which approvals, permits and licences are issued by other local authorities
STAGES IN THE SEA & EIA

Stages in the SEA Procedure
- Decision on the need to prepare the SEA for the plans and programs;
- Defining the scope and contents of SEA Report;
- Decision on granting the approval for the SEA Report.

Stages in EIA Procedure
- Decision on the need for conducting EIA;
- Defining the scope and contents of the EIA Study (Environmental Report);
- Decision on granting the approval of the EIA Study.
PUBLIC CONSULTATION, PUBLIC HEARING

- Participation of Authorities and Organizations Concerned, NGOs, Concerned public, Public...
- (screening, scoping, evaluation of the SEA Report & EIA Study)
- Public Hearing
- Report on Participation of Authorities and Organizations Concerned and NGOs
- Transboundary impacts - Transboundary consultation
- Aarhus centres (4) - Aarhus Convention

TRANSBOUNDARY IMPACTS (LAW ON EIA & LAW ON SEA)

- In case of potential transboundary impacts, the state administration body responsible for environmental protection shall initiate the procedure of exchange of information on transboundary impacts...
ADMINISTRATIVE CAPACITIES

- Ministry of Sustainable Development and Tourism (1 (3))
- Environmental Protection Agency EIA (3), SEA (2)
- Municipalities (29)
EIA and SEA

• At the local level, in the period 2008-2014 (November), the total number of performed EIA and SEA procedures amounted to 679 and 202, respectively.

• At the national level, in the period 2009-2014 (November), the total number of performed EIA and SEA procedures amounted to 380 and 32, respectively.
• In the previous period, SEA has been done for more strategic documents: Energy Development Strategy, Forestry Development Strategy, Hunting Development Programme, etc.


• The largest number of SEA is carried out for spatial planning documents.
Projects which are most often subject to EIA procedure are:

- related to the construction of tourism facilities - hotels,
- power lines,
- small hydro - power plants,
- exploitation of technical and building stone,
- petrol stations,
- concrete production plants etc.
TRANSBOUNDARY PROCEDURES
(ESPOO, SEA Protocol, EIA, SEA)

Montenegro as an Affected Party

• has been notified by Republic of Croatia (According to Espoo Convention, for HPP for Plat (2010) - Montenegro took part in EIA procedure;

• According to SEA Protocol, Montenegro has received a notification for the Water management Plan of the Republic of Croatia) - a statement was made;

• Montenegro has been notified for the Transport Strategy of the Republic of Croatia (2014) - a statement was made.
• Montenegro as an Affected Party (According to Espoo Convention) requested EIA documentation for the projects of HPPs Buk Bijela and Foča from Bosnia and Herzegovina (Republic of Srpska 2012), and

• from Republic of Serbia for HPP project Brodarevo 1 i Brodarevo 2 (2012/2013) - Montenegro took part in EIA procedures;

• Montenegro as an affected Party (According to SEA Protocol) requested SEA and relevant documentation from Republic of Croatia for the Strategic Environmental Assessment (SEA) of Hydrocarbon exploration and productions activities on Jadran - ongoing procedure.
Montenegro, as a Party of origin has notified a neighboring countries for:

- the Draft DSP for the multipurpose HPPs of Moraca River (2010) - Albania took part in SEA procedure),
- for the Draft DSP for Submarine Cable (Republic of Albania, Bosnia and Herzegovina, Republic of Croatia and Republic of Serbia (2011),
- for the Draft for the Multipurpose HPPs Komarnica (Bosnia and Herzegovina and Republic of Serbia (2012),
- Draft Strategic Environmental Assessment For The Draft Energy Development Strategy In Montenegro by 2030 (2013)- (Republic of Albania, Bosnia and Herzegovina, Republic of Croatia and Republic of Serbia
- There is a plan to send a notification in transboundary context (2015) according to SEA Protocol
Thank you for your attention!

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