

Questionnaire for the report of Montenegro on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2019–2021

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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 its 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 text of the Convention (for example, Environmental Impact Assessment Law of the Republic of ..., article 5 (3) of Government Resolution No. ..., para. ... item...)

Article 1

Definitions

I.1.1. Is the definition of the term “impact” for the purpose of the Convention the same in your legislation as that contained in article 1 (vii)?

- (a) Yes
- (b) Yes, with some minor differences (please explain the differences):
- (c) No, there are major differences (please explain the differences):
- (d) The term “impact” is not defined 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.1.2. Is the definition of the term “transboundary impact” for the purpose of the Convention the same in your legislation as that contained in article 1 (viii)?

- (a) Yes, the same
- (b) Yes, with some minor differences (please explain the differences):
- (c) No, there are major differences (please explain the differences):
- (d) The term “transboundary impact” is not defined 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.1.3. Please specify how the term “major change” is defined in your national legislation:

- (a) It is not defined
- (b) By using thresholds (Please explain:)
- (c) By using criteria (Please explain:)
- (d) On a case-by-case basis (Please explain:)

Your comments: *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.1.4. How do you identify the public “of the affected Party in the areas likely to be affected”? 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).*

I.1.5. How do you determine the “significance” of the environmental impact of the activities falling within the scope of the Convention?¹ Please specify (more than one option may apply), providing relevant explanations:

- (a) By establishing threshold levels (please explain)
- (b) By applying criteria related to the location of proposed activities (please explain)
- (c) By applying criteria related to the nature of proposed activities (please explain)
- (d) By applying criteria related to the size of proposed activities (please explain)
- (e) By applying criteria related to the effects of proposed activities (please explain)
- (f) Other (please explain):
- (g) It is not determined (please explain:)

Your comments: The Regulation on projects subject to environmental impact assessment (“Official Gazette of the Republic of Montenegro”, No. 020/07 of 04.04.2007, "Official Gazette of Montenegro", no. 047/13 dated 08.10.2013, 053/14 dated 19.12.2014, 037/18 dated 07.06.2018) defines two lists. The List I stipulates projects that EIA is mandatory, and List II, that EIA may be required. Article 15 of the Regulation on projects on environmental impact assessment is carried out, says

- (a) All projects listed in List II in a protected natural asset and a protected environment of immovable cultural property;
- (b) Any modification or extension of projects listed in List I or List II that have already been approved, implemented or implementation is in progress, and whose changes or extensions may have significant negative consequences for the environment;
- (c) Projects listed in List I, undertaken exclusively or mainly for the purpose of developing and testing new methods or products, as well as projects that have not been used for more than two years.

According to the Rulebook on the detailed content of the documentation to be submitted with the request to decide on the need to prepare EIA study ("Official Gazette of Montenegro", No. 019/19 of March 29, 2019), point 4 - Types and characteristics of the possible impact of the project on the environment defines:

¹ Although the term “significance” is not explicitly defined in the Convention, appendix III thereto provides general criteria to assist in determining the environmental significance of activities not listed in appendix I.

Significant impacts of the project on the environment must be considered in relation to the characteristics from point 2 and 3 of this Rulebook, taking into account the impact of the project on factors relevant to the impact assessment that identify, describe and evaluate in each individual case, the possible direct and indirect impacts of the planned project, especially taking into account:

- a) the size and spatial impact of the project, (such as the geographical area and the number of inhabitants project likely to affect);
- b) the nature of the impact (level and concentration of emissions of pollutants in the air, surface and ground waters, land, loss and damage of plant and animal species and their habitats, loss of land and other);
- c) the transboundary nature of the impact;
- e) strength and complexity of the impact;
- e) probability of impact;
- f) the expected occurrence, duration, frequency and probability of recurrence of the impact;
- g) cumulative impact with impacts of other existing and / or approved projects;
- h) opportunities for effective mitigation.

The point 5 - Description of possible significant impacts of the project on the environment defines that a description of the possible significant effects of the project on the environment, to the extent that information on such effects is available as a result of:

- a) expected pollutants and emissions and production of waste, where relevant;
- b) the use of natural resources, in particular soil, land, water and biodiversity.

I.1.6. Please clarify whether “cumulative impacts” are taken into account in transboundary procedures under the Convention in your national legislation and, if so, how:

- (a) Yes, the legislation provides for taking into account cumulative impacts:

Please explain: Rulebook on the detailed content of the study on environmental impact assessment ("Official Gazette of Montenegro", No. 019/19 of March 29, 2019) Article 8 defines:

The description of possible significant impacts of the project on the environment also contains information resulting from:

- a) construction and use of the project, including removal works, where relevant;
- b) cumulative impact with the impacts of other existing and / or approved projects, taking into account all existing environmental problems, which relate to areas of particular environmental importance which project is likely to affect or use natural resources;

A description of the possible significant effects on the factors referred in Article 8 of this Rulebook shall include a description of the forecasting methods or evidence used to identify and assess significant effects on the environment, both direct and indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative impacts of the project.

When describing the possible significant impacts of the project on the environment, the objectives of environmental protection are taken into account relevant to the project.

- (b) No, the legislation does not provide for taking into account cumulative impacts

Please explain:

Your comments:

Article 2 General provisions

I.2.1. Provide information on legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2 (2)):

- (a) Law on environmental impact assessment (please provide exact title/reference number/year/access link, if any): *www.epa.org.me*
- (b) Environmental impact assessment provisions are transposed into another law/other laws (please specify and provide title(s) of the related legislation):
- (c) Regulation (please indicate number/year/title/related articles/access links):
- (d) Administrative (please indicate number/year/title/related articles/access links):
- (e) Other (please specify):

Please explain:

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.2.2. Is the list of activities referred to in appendix I to the Convention fully transposed into your country's national legislation?

- (a) Yes. There is no difference, all activities referred to in appendix I are covered by national legislation

Please elaborate, as needed:

- (b) No. Activities covered by national legislation differ slightly from the activities referred to in appendix I Please explain:

- (c) No, there are gaps remaining in the list of activities in the national legislation

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

I.2.3. Indicate the competent authority/authorities responsible for carrying out the environmental impact assessment procedure in your country. Please specify:

- (a) There are different authorities at the national, regional and local levels
- (b) Authorities are different for domestic and transboundary procedures
- (c) Authorities are the same for domestic and transboundary procedures

Please name the authority/authorities and its/their responsibilities: *The Ministry of ecology, spatial planning and urbanism is competent authority responsible for the implementation of the Espoo Convention, for the transboundary procedure. The Environment Protection Agency (EPA) is responsible for the EIA domestic procedure on state level. The 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 ecology, spatial planning and urbanism is the authority responsible for conducting the transboundary 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.2.4. Is there an authority in your country that collects information on all the transboundary environmental impact assessment cases? If so, please name it:

- (a) No
(b) Yes

If “Yes”, please clarify the type of information collected and provide access link, if available: *The Ministry of ecology, spatial planning and urbanism is competent authority responsible for the implementation of the Espoo Convention, for the transboundary procedure. Transboundary procedures may be found on an official webpage, on the section public hearing with other domestic procedures. <https://www.gov.me/mepg>*

Your comments:

Article 3 Notification

I.3.1. Article 3 (1) states that: “The Party of origin shall notify any Party which it considers may be an affected Party as early as possible and no later than when informing its own public about that proposed activity.” As a Party of origin, when do you notify the affected Parties?

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

Your comments: *So far Montenegro has had no EIA projects as a Party of origin. Based on experience on SEA, it would be probably when the environmental impact assessment report has been prepared and the domestic procedure has started for public announcement.*

I.3.2. Please define the format of notification used in your country:

- (a) Notification is carried out using the tabular form in table 1 of decision I/4 on the format for notification adopted by the Meeting of the Parties at its first session (ECE/MP.EIA/2, annex IV, appendix, para. 32 and table 1)
(b) Notification is carried out in the form of a letter containing all information detailed in decision I/4 of the Meeting of the Parties (ECE/MP.EIA/2, annex IV, appendix, para. 34)
(c) A combination of (a) and (b) above (ECE/MP.EIA/2, annex IV, appendix, para. 35)
(d) The country has its own format (please attach a copy)
(e) No official format used

Your comments: *So far Montenegro has had no EIA projects as a Party of origin.*

I.3.3. As a Party of origin, what information do you include in the notification (art. 3 (2))? Please specify (more than one options may apply):

- (a) Information on the proposed activity, including any available information on its possible transboundary impact (art. 3 (2) (a))
- (b) The nature of the possible decision (art. 3 (2) (b))
- (c) An indication of a reasonable time within which a response is required, taking into account the nature of the proposed activity (art. 3 (2) (c))
- (d) Relevant information regarding the environmental impact assessment procedure, including an indication of the time schedule for transmittal of comments (art. 3 (5) (a))
- (e) Relevant information on the proposed activity and its possible significant adverse transboundary impact (art. 3 (5) (b))
- (f) Other (please specify):

Your comments: *So far Montenegro has had no EIA projects as a Party of origin.*

I.3.4. Article 3 (3) requires that “The affected Party shall respond to the Party of origin within the time specified in the notification”. As a Party of origin, please indicate whether your country’s legislative or regulatory framework defines a time frame for response to the notification by the affected Party/ies and, if so, how:

- (a) No, the time frame is not specified in the national legislation
- (b) Yes, the time frame is specified in the national legislation

Please indicate the time frame or its range as per your national legislation, in weeks/days:

- (c) The time frame is determined and agreed with each affected Party on a case-by-case basis

Please indicate the average time frame set on a case-by-case basis, in weeks/days:

Your comments: *So far Montenegro has had no EIA projects as a Party of origin. It would be determined and agreed with each affected Party on a case-by-case basis (usually it takes 30 days).*

I.3.5. Please specify the consequences should a notified affected Party not comply with the time frame for responding to the notification, as required by article 3 (3), and elaborate on the possibilities of extending the deadline:

Your comments: *So far Montenegro has had no EIA projects as a Party of origin. Probably it will be matter of mutual agreement concerned parties.*

I.3.6. Article 3 (8) states that: “The concerned Parties shall ensure that the public of the affected Party in the areas likely to be affected be informed of ... the proposed activity”. Which of the following approaches do you use to achieve this goal? Please specify:

- (a) Informing the point of contact for the Convention listed on the Convention website²
- (b) Other (please specify):

Your comments: *Through contact points as well as diplomatic channel.*

² List available at <https://unece.org/environment-policy/environmental-assessment/points-contact-regarding-notification>.

I.3.7. On what basis does your country, as an affected Party, make the decision to participate (or not) in the transboundary environmental impact assessment procedure? Please specify:

- (a) Notified ministry/authority of the affected Party responsible for environmental impact assessment decides on its own based on the documentation provided by the Party of origin
- (b) Based on the opinion of the competent authorities of the affected Party
- (c) Based on the opinion of the competent authorities and of the public of the affected Party
- (d) Other (please specify):

Your comments: *Based on the type of the project, its size and impacts on the environment and health and based on elaboration in Environmental impact assessment report. Usually we take part in a transboundary procedure, and received documentation from Party of origin put on our official website, make public call to NGOs, authorities, public, business communities... etc... to express its opinion.*

I.3.8. Article 3 (5) (a) states that the Party of origin must provide affected Parties with “relevant information regarding the environmental impact assessment procedure, including an indication of the time schedule for transmittal of comments”.

How does your country, as a Party of origin, determine the time schedule referred to in article 3 (5) (a)? Please specify:

- (a) Following the rules and procedures of the Party of origin
- (b) Following the rules and procedures of the affected Party/ies
- (c) A combination of (a) and (b) above. Please specify the rules and procedures of the Party of origin and the affected Party/ies that are applied in the combination:
- (d) Other (please specify):

Your comments: *It is stated in official later to be send to the Affected party. It is also matter of mutual agreement of concord parties.*

Articles 2 (6), 3 (8) and 4 (2) Public participation

I.3.9. Article 2 (6) of the Convention states that: “The Party of origin shall provide an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin.”

How does your country’s environmental impact assessment legislation ensure that equivalent opportunities and rights to participate in the procedure are provided for the public of the affected Party?

- (a) As an affected Party:
 - (i) Not specified in the national legislation, but it is determined and agreed with the Party of origin on a case-by-case basis at the beginning of the transboundary procedure
 - (ii) Specified in the national legislation as follows:

Your comments: *According our legislation there is no difference between domestic and transboundary legislation.*

- (b) As a Party of origin:

- (i) Not specified in the national legislation; such equivalent opportunities and rights cannot be ensured in the procedure

Please explain:

- (ii) Not specified in the national legislation, but it is determined and agreed with the affected Party on a case-by-case basis at the beginning of the transboundary procedure

- (iii) Specified in the national legislation as follows:

Your comments: *For all cases it is matter of mutual agreement concerned parties. According our legislation there is no difference between domestic and transboundary legislation.*

I.3.10. How can the public of your country, as an affected Party, express its opinion on the environmental impact assessment documentation of the proposed project further to articles 2 (6), 3 (8) and 4 (2)? Please specify (more than one option may apply):

- (a) By sending comments in writing directly to the competent authority of the Party of origin, or to the ministry responsible for environmental affairs/focal point in the affected Party

- (b) In a territory of the affected Party: by taking part in consultations [on the basis of the environmental impact assessment documentation] or a special event, where the opinions of the public are officially registered

- (c) In a territory of the Party of origin: by taking part in consultations or a special event, where the opinions of the public are officially registered

- (d) Other (please specify):

Your comments: *All options are relevant and this depends from the project, its size and impact on the environment and human health.*

Article 4

Preparation of the environmental impact assessment documentation

I.4.1. How do you determine the relevant information to be included in the environmental impact assessment documentation in accordance with article 4 (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 received 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: *According to the national EIA legislating, it is prescribed by domestic legislation: The Rulebook on the content of Environmental Impact Assessment Study (Official Gazette of Montenegro, no 19/19);*

I.4.2. Article 4 states that: “The environmental impact assessment documentation... shall contain, as a minimum, the information described in appendix II.” What quality control measures are provided for in the legislative or administrative framework of your country, as a Party of origin, to ensure sufficient quality of the documentation? Please specify:

- (a) The competent authority checks the information provided and ensures that it includes all information required under appendix II as a minimum before making it available for comments
- (b) By using quality checklists based on the requirements listed in appendix II
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify):

Your comments: *According to our national legislation the quality of EIA documentation is checked, 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 and transboundary too, gives an opinion on the quality of the EIA Study. The competent authority for domestic national procedures, EPA gives final word on the quality of EIA documentation. It is defined by the article 21 of the EIA Law (OG of MNE, 075/18).*

I.4.3. How do you determine “reasonable alternatives” in accordance with appendix II (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.5. Does your national environmental impact assessment legislation provide for organizing transboundary consultations between the authorities of the Parties concerned?

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

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.6.1. Please select from the list below the information that your country, as a Party of origin, in accordance with its legislative and administrative framework, should take due account of in the final decision on the proposed activity (art. 6 (1)):

- (a) Conclusions of the environmental impact assessment documentation
- (b) Comments received in accordance with articles 3 (8) and 4 (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/ies
- (f) Mitigation measures
- (g) Other (please specify):

Your comments: *All marked are obligatory, The EIA Study cannot be adopted without all requirement are met. 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 are integral part of the EIA Study, as well as report from public hearing.*

I.6.2. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6 (1))?:

- (a) Yes
- (b) No Please explain the differences

Your comments: *There is no difference between domestic and transboundary public. All comments have to be taken into account and answered on all questions received from public, NGOs, authorities,...*

I.6.3. According to article 6 (3): If additional information on the significant transboundary impact of a proposed activity, which was not available at the time a decision was made with respect to that activity and which could have materially affected the decision, becomes available to a concerned Party before work on that activity commences, that Party shall immediately inform the other concerned Party or Parties. If one of the concerned Parties so requests, consultations shall be held as to whether the decision needs to be revised.

Is there any regulation in your country that ensures the implementation of the provisions of article 6 (3)?

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

Your comments: *Additionally, 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.6.4. Do all activities listed in appendix I (items 1–22) and major changes thereto require a final decision to authorize or undertake such an activity in your legislative framework?

(a) Yes

(b) No

If “No”, please list those activities listed in appendix I or major changes thereto for which there is no requirement for a final decision. Please explain why those activities/major changes do not require a final decision in your national legislation.

Article 7

Post-project analysis

I.7. Is there any provision regarding implementation of post-project analysis in your national environmental impact assessment legislation (art. 7 (1))?

(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). 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).*

Your comments:

Article 8

Bilateral and multilateral cooperation

I.8.1. According to article 8: “The Parties may continue existing or enter into new bilateral or multilateral agreements or other arrangements in order to implement their obligations under this Convention and under any of its protocols to which they are a Party. Such agreements or other arrangements may be based on the elements listed in appendix VI.”

Has your country established any bilateral or multilateral agreements to implement the Convention?

(a) No

(b) Yes Please specify with which countries:

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

Your comments: *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.*

I.8.2. 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 environmental impact assessment

(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 environmental impact assessment, 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.

Complimentary information related to legal implementation of the Convention

I.9.1. Please describe how the steps required under your national legislation for carrying out a transboundary procedure are interlinked with a domestic environmental impact assessment procedure in the lead-up to the final decision.

In doing so, please also describe differences between the steps (i.e. screening/scoping, preparation of the environmental impact assessment, consultation, public participation, making a final decision) of a domestic procedure and a transboundary procedure, if any:

The entire procedure does not make any difference.

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

Your comments:

I.9.2. Does your country have special provisions or informal arrangements concerning transboundary environmental impact assessment procedures for joint cross-border projects, the construction of nuclear power plants and/or their lifetime extension?

<i>Joint cross-border projects</i>	<i>Construction of nuclear power plants</i>	<i>Lifetime extension of nuclear power plants</i>
(a) No <input checked="" type="checkbox"/>	(a) No <input checked="" type="checkbox"/>	(a) No <input checked="" type="checkbox"/>
(b) Yes <input type="checkbox"/>	(b) Yes <input type="checkbox"/>	(b) Yes <input type="checkbox"/>
(i) Special provisions:	(i) Special provisions:	(i) Special provisions:
(ii) Informal arrangements:	(ii) Informal arrangements:	(ii) Informal arrangements:

<i>Joint cross-border projects</i>	<i>Construction of nuclear power plants</i>	<i>Lifetime extension of nuclear power plants</i>
Please explain:	Please explain:	Please explain:

Your comments: *No, there are no special provision or informal arrangements concerning transboundary environmental impact assessment procedures for joint cross-border projects, the construction of nuclear power plants and/or their lifetime extension.*

Part two

Practical application during the period 2019–2021³

Please report on your country's practical experiences in applying the Convention (not your country's procedures, as described in part one), whether as a Party of origin or as an 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. Please therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improving its application.

Part two also focuses on general issues arising from the sixth review of implementation of the Convention (2016–2018)^a and issues that have been identified as priorities by Parties in the 2021–2023 workplan.^b It also addresses the goals of the Long-term strategy and the action plan for the Convention and the Protocol that requires that the reviews of implementation be adapted, in particular, “to maximize their usefulness as a source of information, highlight progress achieved, draw attention to areas that need improvement, disseminate best practice ...”.^c

^a United Nations publication, ECE/MP.EIA/32.

^b ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2.

^c ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/3–IV/3, annex, item II.A.9.

A. List of transboundary procedures initiated during the period 2019–2021

II.1. Please indicate, in the table provided in annex I to the present questionnaire, the total number of transboundary environmental impact assessment procedures initiated in the reporting period in relation to activities listed in appendix I to the Convention and in which your country was a Party of origin or affected Party. Please also indicate the number and types of transboundary procedures related to activities not listed in appendix I that your country implemented in the reporting period as a Party of origin or as an affected Party, if any.

Your comments: *So far we have had no transboundary environmental impact assessment procedures as a Party of origin.*

II.2. Please list transboundary environmental impact assessment procedures referred to in question II.1. above using table 1 of annex II to the present questionnaire for procedures in which your country was a Party of origin and table (2) for procedures in which your country was an affected Party.

Your comments: There were three projects in a transboundary context, for Montenegro as an affected Party: Small hydro power plants on Cijevna River, Buk –Bijela Hydropower plant on Drina River and Thermal power plant - Ugljevik 3.

II.3. According to paragraph 10 of decision VIII/5 of the Meeting of the Parties the project lists referred to in question II.2 above and annex II to the present questionnaire are to be posted on the ECE website. Should your country object to this, however, please indicate “Yes” and explain, as relevant:

- (a) Yes (my country has an objection the compilation and posting of this information)

³ Part II of this questionnaire is not considered to be a reporting obligation according to the Convention. Parties are encouraged to share examples of good practice, subject to their capabilities and the availability of relevant data.

Please explain:

- (b) No (no objection)

Your comments:

B. Experience in the transboundary environmental impact assessment procedure during the period 2019–2021

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

II.4. Please provide at least one example of the implementation of the Convention for an activity listed in appendix I to the Convention based on the template contained in annex III to the present questionnaire.

Your comments: *Montenegro has opened a case before the Implementation Committee related transboundary procedure for Hydropower Buk Bijela (Bosnia and Hercegovina). There was a substantial difference in interpretation of the text of the Espoo Convention between neighbouring countries.*

II.5. The Convention does not refer to the translation of environmental impact assessment documentation and to other language-related issues as important prerequisites for providing effective public participation of potentially affected Parties in a transboundary procedure. As an affected Party, please specify in which language(s) the environmental impact assessment documentation is made available for your own public to ensure effective public participation in transboundary procedures. (You may select several options, as needed):

- (a) In the official language(s) of the country Please specify:
- (b) Information in English is acceptable
- (c) Please list other languages that fulfil the requirements of effective public participation in your country, if applicable:

Your comments: *If there is need for translation, usually it is English. Also, the Affected party may wish to have translated documentation on native language. In that case it is a matter of mutual agreement which part documentation shall be translated.*

II.6. What difficulties has your country experienced with regard to translation of environmental impact assessment documentation and interpretation during consultation meetings with authorities, or during events organized within the public participation procedure, if applicable, and what solutions has it found?

- (a) Experience with regard to translation of the environmental impact assessment documentation
- (i) As a Party of origin: *Costs and time required for translation.*
- (ii) As an affected Party: *Costs and time required for translation.*
- (b) Experience with regard to interpretation during consultation meetings with authorities
- (i) As a Party of origin:
- (ii) As an affected Party:
- (c) Experience with regard to interpretation during public participation-related events
- (i) As a Party of origin:
- (ii) As an affected Party:

Your comments:

II.7. Which Party covers the cost of translation of environmental impact assessment documentation?

- (a) As a Party of origin:
- (b) As an affected Party:
- (c) Other, please specify:

Your comments: *It depends from project to project. It should be matter of a Party of origin, but it is not always case.*

II.8. What parts of the environmental impact assessment documentation does your country usually translate/require to be translated?

- (a) As a Party of origin:
- (b) As an affected Party:

Your comments: *In a case there is a need for translation, experience showed that "summary" is a part of EIA documentation that is usually translated.*

II.9. Has the issue of translation been addressed in bilateral agreements between your country and other Parties?

- (a) Yes Please explain how it has been addressed:
- (b) No

Your comments: *No bilateral agreements for the time being.*

II.10. As a Party of origin, how and in which language do you usually provide environmental impact assessment documentation to the affected Party?

- (a) A full set of environmental impact assessment documentation is translated into English
- (b) Selected parts of the documentation are translated in English
Please specify which parts are translated and how they are selected
- (c) A full set of environmental impact assessment documentation is translated into the affected Party's language
- (d) Selected parts of environmental impact assessment documentation are translated into the language of the affected Party
Please specify which parts are translated and how they are selected
- (e) Other (please specify)

Your comments: *Based to the experience of SEA procedure.*

II. 11. Please indicate how the costs of interpretation during the events organized within the public participation procedure are covered:

- (a) By the developer: Please explain:
- (b) By the Party of origin alone: Please explain
- (c) By the affected Party alone: Please explain
- (d) Shared by both Parties concerned upon an agreement:
- (e) Please provide details of related agreements and considerations based on which the Parties concerned agreed to share the translation costs:
- (f) Other (please specify)

Your comments: *Montenegro has had no experience in a period 2019-21 related to this matter.*

II.12. Please describe any difficulties that your country has encountered during public participation procedures and consultations referred to in articles 2 (5), 3 (8), 4 (2) and 5 with regard to issues not covered above; for example, with regard to time frames for the duration of public participation and the consultation period and the need for additional information:

- (a) As a Party of origin:
 - (i) Experience with public participation
 - (ii) Experience with consultations under article 5
- (b) As an affected Party:
 - (i) Experience with public participation
 - (ii) Experience with consultations under article 5

Your comments: *For the extension of the time of public consultation, it is prior agreed with another country.*

II.13. Has your country carried out post-project analyses in the period 2019–2021:

- (a) No
- (b) Yes

Please list the projects for which post-project analysis was carried out, describing challenges and lessons learned, if any:

Your comments:

II.14. Does your country have successful examples of organizing transboundary environmental impact assessment procedures in any of the categories of projects indicated below?

<i>Joint cross-border projects</i>	<i>Construction of nuclear power plants</i>	<i>Lifetime extension of nuclear power plants</i>
(a) No <input checked="" type="checkbox"/>	(a) No <input checked="" type="checkbox"/>	(a) No <input checked="" type="checkbox"/>
(b) Yes <input type="checkbox"/>	(b) Yes <input type="checkbox"/>	(b) Yes <input type="checkbox"/>

If “Yes”, please describe what, in your opinion, made it successful, for example, means of cooperation (for example, contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (for example, translation, interpretation, transmission of documents, etc.):

- (a) For joint cross-border projects:
- (b) For construction of nuclear power plants:
- (c) For lifetime extension of nuclear power plants:

You may also wish to describe the example using annex III to the present questionnaire.

Your comments:

II.15. Please provide examples from your experience during the reporting period (either complete cases or elements such as notification, consultation and public participation) for the information of Parties that, in your view, constitute good practice or lessons learned on various topics:

Your comments: *Experience showed that there is still space for capacity building of all relevant stakeholders in a transboundary procedure.*

II.16. The Long-term strategy and the action plan for the Convention and the Protocol⁴ recommends enhancing the use of the networks of national focal points for administrative matters⁵ and points of contact for notification⁶ published on the website of the Convention. Does your country use the networks for contacting the affected Parties' authorities?

- (a) Yes, my country makes use of the networks
- (b) My country is aware of the networks but is not using them

Please explain why, and describe the alternative ways used by your country to identify which competent authority of the affected Party to contact:

Your comments: *We use an official page of the Espoo Convention and SEA protocol. To be sure that notification is received, it is being sent to addresses -the lists of focal as well as focal points (both lists are used), plus diplomatic channels.*

II.17. Please specify what quality control measures your country, as a Party of origin, applies to ensure sufficient quality of environmental impact assessment documentation and, in particular, that said documentation contains, as a minimum, information described in appendix II to the Convention.

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.*

II.18. Please specify whether alternatives are assessed in the environmental impact assessment documentation and, if so, how. If possible, provide at least one example of such assessment, either as a Party of origin or as an affected Party, or both

Your comments: *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).*

This represents a legal obligation and each EIA Study should have alternatives considered (i.e. the high of dam of the HPP plant).

II.19. Please specify whether the following issues are considered in the environmental impact assessment documentation:

- (a) Biodiversity
- (b) Climate change
- (c) Circular economy

⁴ ECE/MP.EIA/2020/3–ECE/MP.EIA/SEA/2020/3, item II.A.7.

⁵ List of Focal Points for Administrative Matters, available at <https://unece.org/environment-policy/environmental-assessment/focal-points-administrative-matters>.

⁶ List of Points of Contact regarding Notification, available at <https://unece.org/environment-policy/environmental-assessment/points-contact-regarding-notification>.

- (d) Sustainable Development Goal implementation
- (e) Smart and sustainable cities
- (f) Sustainable infrastructure
- (g) Renewables
- (h) Other issues not listed above (please specify):

Please provide at least one example of how one of the above-mentioned issues is addressed in the environmental impact assessment documentation:

You may wish to use the template in annex III to the questionnaire.

Your comments: *This is prescribed as a legal obligation and defined by the Rulebook on the detailed content of the study on environmental impact assessment ("Official Gazette of Montenegro", No. 019/19 of March 29, 2019).*

II.20. Please indicate whether, in your country's practice, cumulative impacts are taken into account during the assessment under the Convention and, if so, how:

- (a) No
- (b) Yes

If "Yes", please provide at least one example of how cumulative impacts are considered.

Your comments: Rulebook on the detailed content of the study on environmental impact assessment ("Official Gazette of Montenegro", No. 019/19 of March 29, 2019) Article 8 defines:

The description of possible significant impacts of the project on the environment also contains information resulting from:

- a) construction and use of the project, including removal works, where relevant;
- b) cumulative impact with the impacts of other existing and / or approved projects, taking into account all existing environmental problems, which relate to areas of particular environmental importance which project is likely to affect or use natural resources;

A description of the possible significant effects on the factors referred in Article 8 of this Rulebook shall include a description of the forecasting methods or evidence used to identify and assess significant effects on the environment, both direct and indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative impacts of the project.

When describing the possible significant impacts of the project on the environment, the objectives of environmental protection are taken into account relevant to the project.

II.21. Please indicate whether health issues are taken into account in your country during the assessment under the Convention in practice and, if so, how:

- (a) No
- (b) Yes

If "Yes", please provide at least one example of how health issues are taken into account

Your comments: *This is also a legal obligation, prescribed by the Law on EIA as well as by Rulebook on the detailed content of the study on environmental impact assessment. The subject of environmental impact assessment are planned or being realized projects, that could have significant impact on environment or health issues based on the type of the project, its size and impacts on the human health.*

II.22. Please indicate whether environmental impact assessments implemented in your country can be considered to have contributed to the implementation of Sustainable Development Goals and their specific targets:

(a) No, there is no evidence that environmental impact assessments contribute to the attainment of Sustainable Development Goals

(b) Yes, (certain) environmental impact assessments significantly contributed to the attainment of Sustainable Development Goals

(c) Yes, (certain) environmental impact assessments contributed somewhat to the attainment of Sustainable Development Goals

If “Yes”, please list the most relevant Sustainable Development Goals⁷ (and their targets) and provide [at least one] example[s] of how environmental impact assessment has contributed to their attainment.

Your comments: *Having considered all segments of the environment and its impacts, with proposed mitigation measures, prescribed by the Law, all contribute to the implementation of Sustainable Development Goals and their specific targets.*

⁷ In 2017, the Meetings of the Parties acknowledged that the Convention and, in particular the Protocol, contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of Sustainable Development Goal targets that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

- (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);
- (b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);
- (c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);
- (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4);
- (e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);
- (f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);
- (g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
- (h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);
- (i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);
- (j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);
- (k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);
- (l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).

For more details, see ECE/MP.EIA/WG.2/2016/5/INF.16, available at http://staging2.unece.org.net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16_Sustainable_Development_Goal_Mapping.pdf.

C. Experience in using the available guidance documents in 2019–2021

II.23. Have you used in practice the following guidance, adopted by the Meeting of the Parties and available online?

<i>Title of guidance document</i>	<i>Use of guidance</i>	<i>Your comments and/or suggestions for improving or supplementing the guidance</i>
Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7)	I use it <input checked="" type="checkbox"/> I do not use it <input type="checkbox"/> Please specify: (i) I am not aware of the guidance <input type="checkbox"/> (ii) The guidance is not relevant <input type="checkbox"/> (iii) The guidance is outdated and needs revision <input type="checkbox"/>	
Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix)	I use it <input checked="" type="checkbox"/> I do not use it <input type="checkbox"/> Please specify: (i) I am not aware of the guidance <input type="checkbox"/> (ii) The guidance is not relevant <input type="checkbox"/> (iii) The guidance is outdated and needs revision <input type="checkbox"/>	
Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8)	I use it <input checked="" type="checkbox"/> I do not use it <input type="checkbox"/> Please specify: (i) I am not aware of the guidance <input type="checkbox"/> (ii) The guidance is not relevant <input type="checkbox"/> (iii) The guidance is outdated and needs revision <input type="checkbox"/>	
Guidance on the applicability of the Convention to the lifetime extension of nuclear power plants (ECE/MP.EIA/2020/9)	I use it <input type="checkbox"/> I do not use it <input type="checkbox"/> Please specify: (i) I am not aware of the guidance <input type="checkbox"/> (ii) The guidance is not relevant <input type="checkbox"/> (iii) The guidance is outdated and needs revision <input type="checkbox"/>	

<i>Title of guidance document</i>	<i>Use of guidance</i>	<i>Your comments and/or suggestions for improving or supplementing the guidance</i>
Good Practice	I use it <input checked="" type="checkbox"/>	
Recommendations on the Application of the Convention to Nuclear Energy-related Activities (ECE/MP.EIA/24)	I do not use it <input type="checkbox"/> Please specify: (i) I am not aware of the document <input type="checkbox"/> (ii) The document is not relevant <input type="checkbox"/> (iii) The document is outdated and needs revision <input type="checkbox"/>	
Revised Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries (ECE/MP.EIA/28)	I use it <input checked="" type="checkbox"/> I do not use it <input type="checkbox"/> Please specify: (i) I am not aware of the document <input type="checkbox"/> (ii) The document is not relevant <input type="checkbox"/> (iii) The document is outdated and needs revision <input type="checkbox"/>	
Guidance on Notification according to the Espoo Convention (ECE/MP.EIA/12)	I use it <input checked="" type="checkbox"/> I do not use it <input type="checkbox"/> Please specify: (i) I am not aware of the guidance <input type="checkbox"/> (ii) The guidance is not relevant <input type="checkbox"/> (iii) The guidance is outdated and needs revision <input type="checkbox"/>	

Your comments:

D. Clarity of the Convention

II.24. 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:

Your comments:

E. Contributions to the funding of the workplans

II.25. Please indicate whether the information regarding contributions to the trust fund was already provided by your country in the responses to the questionnaire concerning the Protocol and covered both the Convention and the Protocol:

- (i) Yes
(ii) No

If “No”, please provide the information regarding the contributions to the trust fund below.

Your comments: *Unpledged contribution to support the Espoo Convention and its Protocol on Strategic Environmental Assessment and the implementation of their work plan for 2017-2020, 6000 EUR, November 2018*

II.26. Through paragraph 4 of decision VII/4–III/4, applicable for the period 2017–2020, the Meetings of the Parties to the Convention and the Protocol jointly “urge[d] all Parties to contribute to ensuring sustainable funding of activities and an equitable and proportionate sharing of the financial burden among the Parties”.⁸ For the period 2021–2023, by paragraph 1 of decision VIII/1–IV/1, regarding funding of the adopted workplans, the Meeting of the Parties decided that “all the Parties have a duty to contribute to the sharing of the costs that are not covered by the United Nations regular budget”.⁹

(a) Please indicate whether your Government contributed to the funding of the workplans during the reporting period, indicating also the currency and the amount of the contribution:

- (i) My Government made a multi-year contribution for the period 2017–2020

Please indicate when the contribution was provided (year), amount and currency:

Unpledged contribution to support the Espoo Convention and its Protocol on Strategic Environmental Assessment and the implementation of their work plan for 2017-2020, 6000 EUR, November 2018

- (ii) Individual contribution in 2019

Yes Amount and currency:

No Please explain the reason:

- (iii) Individual contribution in 2020:

Yes Amount and currency: 3000 EUR (for SEA and EIA)

No Please explain the reason:

- (iv) Individual contribution in 2021:

Yes Amount and currency:

No Please explain the reason:

- (v) Please indicate any plans of your country to contribute for the period 2021–2023

(b) Did your country make in-kind contributions in the reporting period?

Yes Please describe how: Strengthening capacities of Focal points in SEE

No Please explain the reason

⁸ ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1.

⁹ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1.

F. Suggested improvements to the report

II.27. Please provide further suggestions (preferably specific drafting proposals including wording suggestions) for how this report could be improved.

Annex I

Number of transboundary procedures initiated by your country, as a Party of origin, and participated in, as an affected Party, in the reporting period

<i>Activities listed in appendix I to the Convention</i>	<i>No. of procedures as a PoO^a</i>	<i>No. of procedures as an AP^b</i>
1. Crude oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 metric tons or more of coal or bituminous shale per day.		
2. (a) <u>Thermal power stations and other combustion installations with a heat output of 300 megawatts or more; (one, Montenegro as an affected party)</u>		
2. (b) Nuclear power stations and other nuclear reactors, including the dismantling or decommissioning of such power stations or reactors 1/ (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).		
3. (a) Installations for the reprocessing of irradiated nuclear fuel;		
3. (b) Installations designed:		
- For the production or enrichment of nuclear fuel;		
- For the processing of irradiated nuclear fuel or high-level radioactive waste;		
- For the final disposal of irradiated nuclear fuel;		
- Solely for the final disposal of radioactive waste; or		
- Solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.		
4. Major installations for the initial smelting of cast iron and steel and for the production of non-ferrous metals.		
5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20,000 metric tons finished product; for friction material, with an annual production of more than 50 metric tons finished product; and for other asbestos utilization of more than 200 metric tons per year.		
6. Integrated chemical installations.		

Activities listed in appendix I to the Convention

7. (a) Construction of motorways, express roads 2/ and lines for long-distance railway traffic and of airports 3/ with a basic runway length of 2,100 metres or more;
7. (b) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road, would be 10 km or more in a continuous length.
8. Large-diameter pipelines for the transport of oil, gas or chemicals.
9. Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 metric tons.
- 10.(a) Waste-disposal installations for the incineration, chemical treatment or landfill of toxic and dangerous wastes;
- 10.(b) Waste-disposal installations for the incineration or chemical treatment of non-hazardous waste with a capacity exceeding 100 metric tons per day.
- 11. Large dams and reservoirs. (one, Montenegro as an affected party)*
12. Groundwater abstraction activities or artificial groundwater recharge schemes where the annual volume of water to be abstracted or recharged amounts to 10 million cubic metres or more.
13. Pulp, paper and board manufacturing of 200 air-dried metric tons or more per day.
14. Major quarries, mining, on-site extraction and processing of metal ores or coal.
15. Offshore hydrocarbon production. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 metric tons/day in the case of petroleum and 500 000 cubic metres/day in the case of gas.
16. Major storage facilities for petroleum, petrochemical and chemical products.
17. Deforestation of large areas.
- 18.(a) Works for the transfer of water resources between river basins where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres/year (transfers of piped drinking water are excluded);
- 18.(b) In all other cases, works for the transfer of water resources between river basins where the multi-annual average flow of the basin of abstraction exceeds 2 000 million cubic metres/year and where the amount of water transferred exceeds 5 per cent of this flow (transfers of piped drinking water are excluded).
19. Wastewater treatment plants with a capacity exceeding 150 000 population equivalent.

<i>Activities listed in appendix I to the Convention</i>		<i>No. of procedures as a PoO^a</i>	<i>No. of procedures as an AP^b</i>
20.	Installations for the intensive rearing of poultry or pigs with more than: - 85 000 places for broilers; - 60 000 places for hens; - 3 000 places for production pigs (over 30 kg); - 900 places for sows.		
21.	Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km.		
22.	Major installations for the harnessing of wind power for energy production (wind farms).		
 <i>Activities not listed in appendix I for which your country implemented a transboundary environmental impact assessment procedure in the reporting period</i>			
1.	There was case related small hydropower plants on Cijevna River. Montenegro was an affected party.		
2.	...		

^a Party of origin.

^b Affected Party.

No transboundary procedures initiated by Montenegro as a Party of origin.

Annex II

A detailed list of the transboundary procedures in which your party participated as a Party of origin (table 1) and as an affected Party (table 2) in the reporting period

Table 1

Transboundary environmental impact assessment procedures as a Party of origin

Please find below an example of expected types of answers in each column and feel free to add additional rows as needed

					<i>Please use as checkbox for referring to the progress and indicate the date, if available</i>			
<i>Project name</i>	<i>Starting date (date of the notification sent)</i>	<i>Affected Party/ Parties</i>	<i>Timing of the notification</i>	<i>Submission of the environmental report</i>	<i>Transboundary consultations between authorities concerned, if any</i>	<i>Public participation, (please also indicate the means, for example, written comments, events organized, etc.) if any</i>	<i>Final decision (date of issue, if information is available)</i>	
1. For example, Project "A"	Date	Party A Party B	State of the procedure (select as appropriate) screening/scoping/reviewing the environmental impact assessment documentation: Date	Date	Date from: to:	Date from: to:	Date	
2.								
3.								
4.								
...								

Table 2

Transboundary environmental impact assessment procedures as an affected Party

Please find below an example of expected types of answers in each column, and feel free to add additional rows as needed

					<i>Please use as checkbox for referring to the progress and indicate the date if available</i>			
<i>Project name</i>	<i>Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification</i>	<i>Party of origin</i>	<i>When were the documents on screening and scoping received, if available?</i>	<i>Comments to the environmental report (date when comments were provided)</i>	<i>Transboundary consultations between authorities concerned, if any (time frame)</i>	<i>Public participation, indicating the means: for example, written comments, events organized,) if any</i>	<i>Final decision (date when final decision was received)</i>	
1. For example, Project A	Notification received: date	Party A Bosnia and Herzegovina	Date 28.09.2021.	Date	Time from: to:	Yes/No Written comments: time interval Event(s) organized: date(s) 08.10.08.11. 2021. (12.12.2021)	Date April 2022.	
	Response sent: date		11.11.2021.					
	Stage of the procedure (select as appropriate) -screening -scoping -reviewing the environmental impact assessment documentation		Reviewing EIA Report					

Please use as checkbox for referring to the progress and indicate the date if available

<i>Project name</i>	<i>Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification</i>	<i>Party of origin</i>	<i>When were the documents on screening and scoping received, if available?</i>	<i>Comments to the environmental report (date when comments were provided)</i>	<i>Transboundary consultations between authorities concerned, if any (time frame)</i>	<i>Public participation, indicating the means: for example, written comments, events organized,) if any</i>	<i>Final decision (date when final decision was received)</i>
2. Project B	...	Bosnia and Herzegovina	17.07.2019.				Opened case
3.	Response date:		23.07.2019.				
4.							
...	20.12.2020. Montenegro submitted: SUBMISSION BY MONTENEGRO - HAVING CONCERNS ABOUT THE COMPLIANCE OF THE BOSNIA AND HERZEGOVINA WITH ITS OBLIGATIONS UNDER THE CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT – ESPOO AND THE PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) IN RESPECT OF THE ACTIVITY OF THE CONSTRUCTION OF THE HYDROPOWER PLANT BUK-BIJELA ON DRINA RIVER						

Annex III

Template to describe an example of application of a transboundary procedure in accordance with the Convention in the reporting period

Please provide at least one example of application of a transboundary environmental impact assessment procedure in accordance with the Convention in the reporting period using the template and reflecting on the priorities of the 2021–2023 workplan and the long-term strategy. Should you wish to share more examples, please copy the template, as needed.

I. GENERAL INFORMATION

Please provide the following general information about the selected example:

1. Title of the transboundary procedure: Construction of the hydropower plant Buk-Bijela on Drina River, Republic Srpska, Bosnia and Herzegovina
2. Party's role in the procedure and a list and roles of other Parties involved

Party of origin: <input type="checkbox"/>	Affected Party: <input checked="" type="checkbox"/>
Affected Party/ies: (please list)	Party/ies of origin: (please list)

3. Duration and period of implementation: Procedure has started in July 2019. Montenegro has expressed its concern about compliance with Espoo Convention and opened case before the implementation Committee.

4. Stage(s)/step(s) of the procedure presented in this example:

The entire procedure

Notification (art. 3):

Preparation of the environmental impact assessment documentation (art. 4):

Consultations of the basis of the environmental impact assessment documentation (art. 5 (a)–(c))

Final decision (art. 6):

Post-project analysis (art. 7, if applicable)

Other , please specify: We find the entire procedure was not conducted in line with Espoo convention –the new environmental permit means a new transboundary procedure. Based on documentation from 2012, seven years later it was asked to give approval for the mentioned EIA documentation. On final decision Montenegro has had no received information. The new environmental procedure has started in 2019 in neighbouring country, with a request of issuing a new environmental permit. The new environmental permit was issued without Montenegro's participation, without new EIA documentation and without notification on final decision.

II. BACKGROUND

Please provide a short description of the activity, the context of its development and general information about the environmental impact assessment procedure:

The hydropower plant Buk Bijela is located close to Montenegro's border and protected sites. In addition to the national protection, due to its natural values, the Tara River Canyon also enjoys two-fold international protection. In 1977 the Tara River Basin was included among the biosphere reserves in UNESCO's Man and Biosphere Programme (MAB), and in 1980, the Tara River Canyon, as the integral part of Durmitor National Park, was included in

UNESCO's List of World Natural Heritage, and this is the only property in Montenegro with multiple, national and international protections.

The EIA procedure of the activity of construction of the hydropower plant Buk-Bijela on Drina River, Republic Srpska, Bosnia and Herzegovina had started in 2012/13 in the transboundary context, based on Montenegro's wish (kind request) to participate in a transboundary procedure. The procedure started in 2012 was never completed to the end in line with Espoo Convention. A new environmental permit was requested in 2019 from the competent authority of Republic Srpska, Bosnia and Herzegovina. During this procedure it was asked from Montenegro to send the approval based on EIA documentation from 2012. Montenegro kindly asked the EIA documentation to make it publicly available (in Montenegro) and invite public to take part in decision making process for this project. The documentation has not been delivered and procedure has followed without Montenegro. The new environmental permit was issued without Montenegro's participation. In December 2020. Montenegro expressed its concern on compliance Bosnia and Herzegovina with its obligations under the Convention on environmental impact assessment in a transboundary context – Espoo and the Protocol on strategic environmental assessment (SEA) in respect of the activity of the construction of the hydropower plant Buk-Bijela on Drina River.

III. PROCEDURE UNDER THE CONVENTION AND ELEMENTS OF GOOD PRACTICE

Please describe, in more detail, using the subsections below, the procedural step(s) considered to represent good practice and then explain why that is.

1. **Notification** (art. 3):
2. **Preparation of the environmental impact assessment documentation** (art. 4):

In addition to the description above regarding the preparation of the environmental impact assessment documentation, please indicate the following:

- (a) What alternatives were assessed and presented in the environmental impact assessment documentation?
 - (i) At what level of detail were the alternatives described?
 - (ii) What methods and/or assessment grids were used for the selection of the most reasonable alternative?
- (b) Whether the following issues were covered in the environmental impact assessment documentation and, if so, how:
 - (i) Biodiversity
 - (ii) Climate change
 - (iii) Circular economy
 - (iv) Sustainable Development Goal implementation
 - (v) Smart and sustainable cities
 - (vi) Sustainable infrastructure
 - (vii) Renewables
 - (viii) Other issues not listed above:

3. **Consultations on the basis of the environmental impact assessment documentation** (art. 5 (a)–(c)):
4. **Final decision** (art. 6):
5. **Post-project analysis** (art. 7, if applicable):

Based on a fact that those stages have been omitted, the good practise for this case is that both parties have entered in bilateral consultation (in July 2021) in order to solve open issues that still have exist.

IV. LESSONS LEARNED AND ADVICE TO OTHER PARTIES:

1. Please indicate:

Challenges in carrying out the procedure, if any, and how they were tackled: *There is still difference in interpretation the provisions of the Espoo convention as well as difference in national/domestic) legislation. For sure this represents an obstacle for propre implementation.*

Lessons learned and advice to other Parties: *There is a constant need for further capacity development for all parties involved.*

2. As relevant, please also refer to the contribution of the above application of environmental impact assessment procedure towards the attainment of Sustainable Development Goals¹ or climate objectives: *Proper implementation of the Espoo convention will contribute to the attainment of SDGs.*

¹ In 2017, the Meetings of the Parties acknowledged that the Convention and in particular the Protocol contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of Sustainable Development Goal targets that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

- (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);
- (b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);
- (c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);
- (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4);
- (e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);
- (f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);
- (g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
- (h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);
- (i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);
- (j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);
- (k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);
- (l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).

For more details, see ECE/MP.EIA/WG.2/2016/5/INF.16, available at http://staging2.unece.org/net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16__Sustainable_Development_Goal_Mapping.pdf.

**V. ANY OTHER INFORMATION NOT INCLUDED ABOVE
THAT YOU MAY WISH TO SHARE:**
