

Decision IX/4j on compliance by Serbia with its obligations under the Convention in respect of several mining-related activities in Karamanica, Popovica and Podvirovi and the Grot mine

The Meeting of the Parties to the Convention,

Recalling articles 11 (2) and 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context,

Recalling also its decision IX/4¹ on general issues of compliance with the Convention adopted at its ninth session (Geneva, 12–15 December 2023),

Having considered, further to paragraph 6 of the appendix to decision III/2,² the findings and recommendations of the Implementation Committee on compliance by Serbia with its obligations under the Convention with respect to several mining-related activities in Karamanica, Popovica and Podvirovi and the Grot mine,³

Having considered also the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its ninth session, in particular, the section concerning Serbia,⁴

1. *Endorses* the findings of the Implementation Committee that, in accordance with the information provided to the Committee:

(a) Serbia complied with:

(i) Articles 2 (4) and 3 (1) of the Convention concerning the Karamanica pilot facility and the expansion of the exploitation of the Podvirovi and Popovica mining sites by notifying Bulgaria about the proposed activity at the Grot mine in 2009;

(ii) Article 3 (2) of the Convention with regard to the Karamanica pilot flotation facility, including with regard to the information on the proposed activity under article 3 (2) (a) and time frames specified in the notification as set out in article 3 (2) (c);

(b) By not notifying Bulgaria regarding the major change to the activity at the Grot mine, Serbia failed to comply with articles 2 (4) and 3 (1) of the Convention in respect of the environmental impact assessment procedure for the activity carried out by it in 2019;

(c) Bulgaria failed to fulfil its obligations under articles 3 (3) and (8) and 4 (2) of the Convention by not responding to the notification of Serbia regarding the Karamanica pilot activity within the time frame specified in the notification;

(d) In the absence of a notification from Serbia regarding the activity at the Grot mine, neither of the Parties concerned took appropriate steps under article 3 (7) to exchange information for the purposes of holding discussions on whether a significant adverse impact from the proposed activity was likely on the territory of Bulgaria;

2. *Requests* Bulgaria and Serbia to fulfil their obligations under articles 3 (8) and 4 (2) by ensuring that the public of Bulgaria is given an opportunity to participate in the ongoing transboundary procedure regarding the Karamanica permanent flotation plant;

3. *Welcomes* the fact that Serbia notified Bulgaria regarding the new activity encompassing the exploitation of the Podvirovi and Popovica sites and the construction of a permanent flotation facility in Karamanica, noting that Bulgaria expressed a wish to participate in the related transboundary procedure;

4. *Requests* Serbia to ensure that the Convention is fully applied in the context of any future decision-making regarding planned mining activities, including those at

¹ ECE/MP.EIA/2023/6.

² ECE/MP.EIA/6, annex II.

³ ECE/MP.EIA/IC/2022/8.

⁴ ECE/MP.EIA/2023/13–ECE/MP.EIA/SEA/2023/13.

Karamanica, the Grot mine and/or located in the municipalities of Vranje and Bosilegrad, and that the cumulative impact of the new and already existing mining activities, as well as the cumulative impact of other activities affecting the conditions in the water system, is properly taken into account during the environmental impact assessment procedure;

5. *Welcomes* steps taken by both Parties concerned under article 8 of the Convention to develop and conclude a bilateral agreement for the implementation of the Convention, and encourages Parties to incorporate in that agreement:

(a) Elements referred to in appendix VI to the Convention, including undertaking joint environmental impact assessment and development of joint monitoring programmes, as referred to in paragraph 2 (g) of appendix VI to the Convention;

(b) Special arrangements for the implementation of article 3 (7) of the Convention and for situations when one of the Parties may face impediments to responding to the notification within the time frames specified therein;

6. *Encourages* Serbia to establish a network for monitoring the pollution of the Ljubatska River basin and the Dragovitsa River basin, and to regularly communicate the results to Bulgaria, with a view to taking all appropriate measures to control any significant adverse transboundary impact from the activities referred in the submission, including those listed in paragraph 4 above.
