



Strasbourg, 2 June 2025

T-PVS/Files(2025)2021-7\_compl

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

---

**Standing Committee**  
45th meeting  
Strasbourg, 8-12 December 2025

---

**Bureau of the Standing Committee**  
18-19 June 2025  
Strasbourg

**Complaint on stand by: 2021/07**

**Alleged threat to fauna species and protected sites due to  
the proposed construction of a lithium mine in the Jadar  
River Valley (Serbia)**

**- COMPLAINANT REPORT -**

---

*Document prepared by Earth Thrive & Earth Law Center  
and Zaštitimo Jadar i Rađevinu / Protect Jadar & Rađevina*

FAO Bern Convention Bureau

30th May 2025

Dear Bureau of the Bern Convention

**Bern Convention Complaint No. 2021/07 - Serbia**  
**Lithium mine in the Jadar Valley**  
**Fifth report**

Thank you for the opportunity to contribute with our Report on the latest status of the Jadar lithium mine project in Serbia.

Please find below our Earth Thrive & Earth Law Center and Zaštitimo Jadar i Rađevinu / Protect Jadar & Rađevina joint report for the Summer 2025 meeting of the Bureau:

**Earth Thrive & Earth Law Center:**

**1. Interim Director of the governmental Institute for the Protection of Nature of Republic of Serbia's issuance of Nature Protection Conditions to the mining company after blatantly removing 60 protected species from the document and with total disregard to the strong objections of the Institute's own experts - potentially breaching Articles 3.2, 4.1 & 4.2 of the Bern Convention**

In August of last year, the Institute for Nature Protection of Serbia issued to Rio Tinto the conditions for the Jadar project, which determine what is important to protect in that area and how to do it. However, emails and other documents obtained by the investigative news agency [CINS](#) show that some experts were against it because nature would not be sufficiently protected. Acting the director ignored their objections and issued the conditions, without even changing the typos".

"...There are no conditions that will prevent the irreversible destruction of this area (at the locations of the exploitation field and landfill) as well as the habitats of numerous species," one of the emails said.

"More than 60 species of invertebrates, fish, amphibians, reptiles, birds, mammals have been omitted. deleted paragraph stating that the area includes the habitat of strictly protected and protected wild species of plants and animals, as well as habitats that are a priority for protection."

"He pointed out that the zero state of biodiversity should also be defined - a cross-section of what currently exists of plants and animals in that area, and it serves to monitor later whether the project affects species disappearing.", the comments of the Head of the Department for Biodiversity, Ecological Networks and Sustainable Development, Nenad Sekulić

And the head Nataša Sarić stated in her official note that she does not agree with the disputed solution because it is not in accordance with the conditions defined by the experts of her Geodiversity Department.

*We would like to argue that this constitutes potential breach of the Articles 3.2, 4.1 and 4.2 as per the provisions stated under these Articles.*

**2. Potential flagrant and continuous breach of Article 4.1 by the Government**

In a recent legal paper on mining practice and legal framework in Serbia, leading legal experts argue that despite the Serbian state ratifying international legal frameworks, these are not applied in practice.

Here we quote the most relevant para from the paper which illustrates this point:

““““The „Jadar” Project in the Legal Order of the Republic of Serbia – Assesment of Legality and Constitutionality”, Branič, Journal of Legal Theory and Practice of the Bar Association of Serbia, No. 4/2024 page 107, 108.<sup>1</sup>

“Systemic and over time increasingly frequent deviations from the basic principles of environmental protection, general administrative procedure and the ratified international legal framework, were practically legalized before the end of 2024 with the adoption of new laws on assessment and strategic assessment of environmental impact, in the middle of the process of assessing the impact of the mining part of the project "Jadar". However, changes to the laws that are the basis for the implementation of almost all procedures related to this project, already overloaded with illegalities, could cause a complete collapse of the state administrative apparatus, which would rightfully raise questions about the possibility of applying these regulations in general. **The legality of the "Jadar" project, as well as all other projects that may have a significant impact on the environment, is now more than ever questioned, and the ability of the competent state authorities to legally implement the procedures related to these projects has been reduced to a minimum - close to zero.**" 108 page

“Gradual but decisive changes to the regulations in the aforementioned matter, placed in the context of their selective application and the circumstances in which they were created and entered into force, are sufficient reason to express justified doubts about the correctness of the motives and intentions of the state that caused the changes to the regulations. The inconsistencies and contradictions of the currently valid legal framework in the field of planning, construction, mining and environmental protection, along with the current positions of the competent ministries and the Government regarding the impossibility of citizens to participate in procedures and neglect of the system regarding the maintenance of elementary legal "hygiene", undermine the very foundations of the legal order Republic of Serbia" 107

*We would like to argue that such moves by the government do not really align with the provisions of the Bern Convention under the Article 4.1 which states that Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild flora and fauna species, especially those specified in Appendices I and II, and the conservation of endangered natural habitats.*

### **3. NEW SCIENTIFIC RESEARCH ON “THE JADAR PROJECT - POSSIBLE HARMFUL EFFECTS ON THE LIVING WORLD AND HUMAN HEALTH” - indicating potential serious harmful effects of the mine on the living world**

**One of the serious sources of environmental pollution generated by mining is an extremely large amount of industrial waste containing a large number of heavy metals and chemicals used in the process.**

*The negative effect of pollutants (arsenic, lithium and boron) on aquatic invertebrates is reflected in their inability to take food (due to morphological deformities of the oral apparatus) and a reduction in the rate of reproduction (which causes a decrease in abundance and diversity), all of*

---

<sup>1</sup> Luka S. Đorđević, Snežana Selaković, Andrea Tankosić; “The „Jadar” Project in the Legal Order of the Republic of Serbia – Assesment of Legality and Constitutionality”, Branič, Journal of Legal Theory and Practice of the Bar Association of Serbia, No. 4/2024 p 89-110

*which in a long period of time leads to the disappearance of aquatic invertebrates from aquatic habitats.*<sup>2</sup>

"Metals are non-degradable, so they persist for an extremely long time in polluted soil. There is not a single technique for their quick or complete removal from large land areas and once polluted nature.

Plants from soil and water easily absorb lithium, boron and arsenic and accumulate them in roots, stems, leaves and fruits.

Elevated concentrations of these soil elements slow down or stop plant growth and reduce the weight and quality of fruits. By feeding on plants in which this concentration of lithium (L), boron(B) and arsenic (As) is elevated, these elements enter the body of humans, domestic and wild animals and have negative consequences on their health." Page 70.

Arsenic in algae and aquatic plants is toxic. Increased concentrations of all three elements negatively affect the diversity and wealth of species, as well as the number of individuals in the population. Page 56.

"...literature data indicate that the exposure of amphibians to lithium, boron and arsenic and particulate matter, primarily in aquatic ecosystems, largely leads to a series of harmful effects both for individuals at different stages of development and for the population." Page 134.

"In cubs, a decrease in survival was recorded, and a decrease in the fertility of adults of certain examined species was also observed. The common effect of all the above-mentioned changes is a decrease in the size of the local population. Page 124.

**The risk to the ecosystem of the river Jadar from As, B and Li from groundwater discharged without treatment from the jadarite mine [LiNaSiB3O1 (OH)] into the river Jadar was assessed as real and significant.**

**Harmful effects can be chronic, subacute or acute, and according to the mode of action pathophysiological, genotoxic, inflammatory, degenerative and histopathological, and can have a lethal outcome, especially in the presence of chlorine.** Page 106

#### **4. FAILURE TO PROVIDE REQUESTED INFORMATION ON THE SPATIAL SPREAD OF THE PROTECTED SPECIES AND WILD HABITATS as per BC Resolutions No 4 & 6**

We would further like to let the Bureau know that the Ministry of Environment failed to provide us with the adequate response to our request for an information of public importance - on the documentation regarding the reporting by the Republic of Serbia on the distribution of protected species and habitat types identified on the territory of the Republic of Serbia in 2019, under Resolutions No. 4 and 6 of the Bern Convention.

We requested insight into this very concrete information in order to ascertain with more precision the spatial spread of the protected species and wild habitats in Serbia, which is our legal right, especially given the three ongoing BC Complaints Earth Thrive has against the government.

However, instead of providing us with the actual information, or at least a direct link to the requested info, the Ministry informed us 'that it is possible to have an insight into the requested information at 'Bern Convention's' '[Workbook: Number of Habitats and Species per Country](#)'. The document referred to is actually an **EU** document and has no connections to neither Serbia nor the Bern Convention at all. There was also no link provided.

---

<sup>2</sup> M. Kataranovski, T. Rakić, E. Paunović and P. Simonović, "*The Jadar project - possible harmful effects on the living world and human health*", University of Belgrade, Faculty of Biology, Belgrade, 2025.

<https://bio.bg.ac.rs/2025/04/pro%D1%98ekat-%D1%98adar-moguci-stetni-utica%D1%98i-na-zivi-svet-i-zdravlje-coveka/> Page 94. 27.05.2025. 11:50 h

This represents but one of numerous similar examples of either lack of information, provision of incorrect information or just plain not true information that the government has been sending us.

We would therefore kindly ask the Bureau to direct the Ministry to furnish us, as a matter of urgency, with the actual, concrete and direct information, documentation and a map on the spread of the protected species and habitats under the Bern Convention which was their duty to report to the Bureau in 2019.

We would further like to kindly ask the Bureau to direct the Ministry and other relevant governmental bodies to treat us with respect and professionally and provide us with concrete and direct information with regard to the 3 ongoing Complaints by Earth Thrive in good and timely manner so as not to waste our, and worse, Nature's time with false, incorrect or non-existent 'information' and thus drag the whole process while the mining projects and explorations continue to harm Nature both under protection and elsewhere.

In accordance with the Rights of Nature principles and ethics, under which Earth Thrive and Earth Law Center argue this Complaint, ALL life has equal value and we would like to point out that just because a living community is not protected under a certain legal protocol it does not mean that it can be killed with impunity and disregard!

-----  
**Zaštítimo Jadar i Rađevinu / Protect Jadar & Rađevina:**

We would like to inform the Bureau that the Institute for Nature Conservation of Serbia issued conditions to Rio Tinto for the Jadar project in August of 2024 absolutely ignoring the expert opinion that says[1]:

"Since we are required to put forward nature protection conditions for the lithium mining project, based on the facts available at the Institute, there are no conditions that would prevent the irreversible destruction of this area (at both the mining site and waste deposit locations), as well as the habitats of numerous species.

Furthermore, attached to this email is a scientific paper from the Faculty of Biology and the Natural History Museum, which conducted research on flora and fauna for impact assessment purposes. This study was presented at the Serbian Academy of Sciences and Arts (SANU) and concluded: For all the above-mentioned reasons, the optimal and fundamental measure to prevent negative impacts on biodiversity in this area is to abandon the planned exploitation and processing of jadarite minerals."[2]

In the email written by Head of the Ecological Networks Section, Department for Biodiversity, Ecological Networks, and Sustainable Development at the Institute for Nature Conservation of Serbia, you can find more information on the protected species and habitats that would be endangered by the Jadar project.

If the statements from Serbian experts including the official statement of the Serbian Academy of Sciences and Arts, are not enough to prove that the Jadar project would have irreversible damage to the Nature and "there are no conditions that would prevent the irreversible destruction of this area", we would like to hear who has the opposite proof, that the Jadar project would not have more impact on the Nature than a typical spa has.

Serbian Ministry of Ecology continues ignoring the fact that the documentation regarding the Jadar project is illegal and keeps rejecting complaints our organization (and many others) submits, stating that these illegalities are not within their jurisdiction. When speaking of illegal documents the company uses to obtain licenses needed for the project realization, the prosecutor's office in Serbia did not reject any of the criminal charges that we filed, but none of them have yet been processed to the end. While we wait (it seems in vain) for the justice and rule of law to react, the company keeps bribing individuals and organizations via grants and donations and keeps advertising the project, even though the Jadar project has not been officially approved. The Constitutional court did not take into consideration any initiative submitted by individuals and associations regarding the Jadar project and violations of the law related to it.

As you can easily understand from these information, Serbian judiciary system is not working and that is the prime reason we had to reach out to the Secretariat of the Berne Convention which is both competent and legally in charge of protecting the Nature and especially habitats of protected species whose home is in Jadar and Radjevina.

The Ministry of Environmental Protection rejected objections of Protect Jadar and Radjevina, as well as many others, to the company's request to determine the scope and content for the EIA. They even stated that the fact that the company uses certain illegal documents to obtain licenses, is not relevant for them.

Furthermore, the Ministry of Mining and Energy, as well as the Ministry of Environmental Protection, have recently confirmed to us in correspondence that they do not have a sample of jadarite ore, its exact composition, nor the information related to the research drills that the company had done in previous years. It is clear that Serbian institutions do not have the will nor capacity to tackle this demanding and dangerous project.

If the Bureau deems it appropriate, we can deliver the correspondence between the organization Protect Jadar and Radjevina and the mentioned ministries.

Marija Alimpic Katsakiori

Zastitimo Jadar i Radjevinu / Protect Jadar and Radjevina

---

[1] <https://www.cins.rs/en/leaked-emails-rio-tinto-given-environmental-protection-conditions-without-expert-approval/>

[2] <https://s3.documentcloud.org/documents/25516863/ivan-medenica-email-the-translation-and-the-original-doc.pdf>

## ANNEX

### 1. Related to the Conditions of Nature Protection - Institute for the Protection and Unavailability of Information of Public Importance

The CINS journalist came to the documentation from this case in a roundabout way, from three different sources. The reason for this is that the Institute for Nature Protection refused to deliver it to them for months. *"It took two and a half months and an appeals procedure before the Commissioner for Information of Public Importance to get insight into it. In the end, even when we were allowed insight, part of the documentation was hidden from us."*

### 2. Institutional capacities for environmental management and oversight at the central and local levels of government are still weak <sup>3</sup>

Institutional capacities for environmental management and oversight at the central and local levels of government are still weak. One observation from the European Commission's progress reports, which has been repeated year after year, is that Serbia should significantly strengthen the administrative capacities in the environmental protection sector at all levels of government, including inspectorates and judicial authorities.<sup>4</sup>

### 3. Related to flood waves that can threaten the smaller RT landfill and at the same time the connection of Jadra, Mačva and Drina - strategic supply - Lack of EIA

This area is of strategic importance for future water supply due to climate change.<sup>5</sup>

Why did the Ministry of the Environment, which issued the appropriate decision, not demand that all those elements related to water be processed in an appropriate manner and that it be indicated what impact the mine would have on the source of the regional water supply.

"National Strategy of Water Management on the territory of the Republic of Serbia until 2034" clearly states that *"the Drina is one of the potential sources for systems of regional significance"*<sup>6</sup>

*"The water management strategy of the Republic of Serbia until 2034 clearly states that it is expected that water from Mačva will supply Posavina, the Mačva region and Belgrade."*  
*"Currently, Mačva has water reserves that are at the level of almost the entire current consumption of drinking water in the whole of Serbia, and we no longer have such sources in Serbia,"* said Stevanović.

<sup>3</sup> <https://www.koalicija27.org/wp-content/uploads/2024/11/Izvestaj-iz-senke-2024.pdf> Page 20. 12.05.2025. 13:23h

<sup>4</sup> This assessment is also included in the European Commission's latest Progress Report for 2023. [https://www.mei.gov.rs/upload/documents/eu\\_dokumenta/godisnji\\_izvestaji\\_ek\\_o\\_napretku/izvestaj\\_ek\\_23.pdf](https://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/izvestaj_ek_23.pdf)

<sup>5</sup> National Strategy of Water Management on the territory of the Republic of Serbia until 2034, (Official Gazette of RS No. 3/2017) – [https://rdvode.gov.rs/doc/Strategija\\_FINAL.pdf](https://rdvode.gov.rs/doc/Strategija_FINAL.pdf)

<sup>6</sup> [https://balkangreenenergynews.com/rs/poplave-u-dolini-jadra-potvrdjen-visok-rizik-za-planirani-rudnik-litijuma/?fbclid=IwY2xjawJUqKpleHRuA2FlbQlxMQABHT\\_jl8ww3W7a75w0M6wGKps1xrqHO27Ww95SRuIlrVf95DTqhaogMzUipg\\_aem\\_6SX\\_ZBtwL7APwXI4Gh3OWA](https://balkangreenenergynews.com/rs/poplave-u-dolini-jadra-potvrdjen-visok-rizik-za-planirani-rudnik-litijuma/?fbclid=IwY2xjawJUqKpleHRuA2FlbQlxMQABHT_jl8ww3W7a75w0M6wGKps1xrqHO27Ww95SRuIlrVf95DTqhaogMzUipg_aem_6SX_ZBtwL7APwXI4Gh3OWA)

Zoran Stevanović, hydrogeologist, retired professor of the Faculty of Mining and Geology, has repeatedly pointed out the risks that the opening of a mine and a lithium processing plant would bring. Emphasizing the priority of environmental protection. He emphasizes that the richest source of underground water can be found in that area slightly downstream, on the right bank of the Sava in the area of Mačva.<sup>7</sup>

„It is the Jadar Basin which, together with the Radjevina, is only partially isolated from the Mačvan Basin, the most important for water supply in Serbia. The Jadar and Mačvan Basins are connected via part of the confluence of the Jadar and the Drina, and there we have a kilometer or two between the Drina and the narrowing through which groundwater flows," said Stevanović. The Mačvan basin is located downstream from the location of the potential mine, only about 15 to 17 kilometers away.

According to Stevanović, 28 millimeters of rain fell in Loznica between March 26 and 27, and another nine fell by nine o'clock in the morning. "These floods are not uncommon, every significant rainstorm causes them. However, we also have catastrophic flood waves in this region."

"From the documents published by Rio Tinto and which were available to the public, the installation of an embankment is foreseen for flood protection. However, Stevanović explains that the document does not contain information on what elements the embankment will be made of and whether it will be able to prevent a flood wave. According to his assessment, it is extremely difficult and complicated to defend the mine with an embankment between 1.5 and 3.8 meters high, which is provided for in the project.

The professor points to another problem, which is seepage through the body of the embankment or penetration under the body of the embankment, these are phenomena that accompany flood waves of great intensity. Also, it may happen that the sudden peak of the flood wave spills over the embankment, he adds.

#### **4. Impossibility of precaution and proactive action if it is not yet known exactly where the landfill will be<sup>8</sup>**

The Convention incorporates important principles such as precaution, integration, participation and co-operation long before they were mainstreamed<sup>9</sup>

Ambiguity about the location of the landfill significantly reduces the quality and reliability of the risk analysis. This means that neither protection measures nor emergency management plans can be properly defined, which increases the probability and potential consequences of unwanted events.

**Prof. Tomović:** "In the research that was done previously, in a very short time, then in 2020, **over 100 types of plant and animal habitats** were recorded in this relatively small area,

---

<sup>7</sup> Same [https://balkangreenenergynews.com/rs/poplave-u-dolini-jadra-potvrdjen-visok-rizik-za-planirani-rudnik-litijuma/?fbclid=IwY2xjawJUgKpleHRuA2FlbQlxMQABHT\\_jl8ww3W7a75w0M6wGKps1xrqHO27Ww95SRuIlrVf95DTqhaogMzUipg\\_aem\\_6SX\\_ZBtwL7APwXl4Gh3OWA](https://balkangreenenergynews.com/rs/poplave-u-dolini-jadra-potvrdjen-visok-rizik-za-planirani-rudnik-litijuma/?fbclid=IwY2xjawJUgKpleHRuA2FlbQlxMQABHT_jl8ww3W7a75w0M6wGKps1xrqHO27Ww95SRuIlrVf95DTqhaogMzUipg_aem_6SX_ZBtwL7APwXl4Gh3OWA)

<sup>8</sup> <https://n1info.rs/vesti/profesorka-ljiljana-tomovic-ne-postoje-uslovi-da-se-rudarenje-u-dolini-jadra-sprovodi-na-ekoloski-prihvatljiv-nacin/>

<sup>9</sup> <https://www.cbd.int/doc/external/cop-09/bern-02-en.pdf> page 5. 12.05.2025. 14.52h



which was determined by this project in those locations that Rio Tinto requested. Of those habitats, **over 30 types of habitats were designated as priority or significant for protection by national legislation or internationally ratified documents, among others, by the Natura 2000 program.**"

Then, **over 470 species of vascular plants**, i.e. higher plants, were recorded there. Subsequent research increased that number to over 500 species, which is very significant. The third thing, when it comes to animals, somewhere **close to 100 species of aquatic invertebrates** were recorded in that area, i.e. in watercourses and aquatic habitats, then **over 190 species of coleoptera**, i.e. hardwings, which is a huge number, **more than 50 species of butterflies**, and if that is a relatively small number, in relation to the total number of species of butterflies in Serbia, but since the season of activity, i.e. the implementation of the project, was limited only to June and July and is not the main season of butterfly activity, it is of course a number that is far less than what would potentially and realistically be present.

In addition, **23 species of fish, 11 species of amphibians, 10 species of reptiles** and close to **60 potentially and actually present species of mammals** were recorded, which are huge numbers. So, for such a small area, it's an extraordinary diversity. The largest number of these species, meaning in some cases **over 70% of species in certain groups, are species that are strictly protected or protected by national legislation and ratified documents, such as the Bern Convention, the Bonn Convention, and the Natura 2000 program.** So these are extremely important species from the point of view of biodiversity protection and endangerment.

"Construction of any mine, including a lithium mine, and it was established by these researches, would inevitably lead to the destruction, the complete destruction of certain populations of these species in that area, then the destruction of habitats, because species cannot survive if they do not have a habitat, they cannot live. On the other hand, parts of some other habitats would be so degraded, i.e. damaged, that practically even if those individuals of certain species remain, those populations would very quickly, in a relatively short period of time, be reduced in number to eventually disappear.

"So there is no doubt that it is in the very zone of the mine, which means the excavations, as well as this industrial processing plant, but even more so for the waste disposal site, which was constantly changing - in various documents, including the latest ones, it is visible that it is undefined to the end, that is, it is not precisely specified in which locations the disposal site will be located, which is extremely significant considering the toxicity of certain elements in those tailings, i.e. in the tailings. So it's a problem that today you don't even know exactly where it will be a disposal site, where it will be located, in which watercourses, near which watercourses, and so on."

"And especially potential risk, we always talk about risks - that is, we cannot say that all major disasters will happen, but they do happen - it's just a matter of assessing the probability of a certain event. "