



Strasbourg, 31 July 2025

T-PVS/Files(2025)2022-4_comp

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

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

Bureau of the Standing Committee
16-18 September 2025
Strasbourg

Complaint on Stand-by: 2022/4

**Hydropower plant development on Emerald Network site
Komarnica (ME000000P) (Montenegro)**

- REPORT BY THE COMPLAINANT -

*Document prepared by NGO Montenegrin
Ecologists Society*

Update Report dated July 2025

Mr. Mikaël Poutiers - Secretary of the Bern Convention
Mr. Marc Hory - Project Manager
Mr. Michaël Nguyen - Administrative and Project Manager

Subject: Complaint No. 2022/04: Hydropower plant development on Emerald Network site Komarnica (ME000000P)

DEAR MR. POUTIERS,
DEAR MR. HORY,
DEAR MR. NGUYEN,

We respectfully submit an updated statement from the complainants regarding Complaint No. 2022/04 concerning the proposed development of the Komarnica hydropower plant (HPP) on the Emerald Network site ME000000P.

Since our last communication, several critical developments have taken place at the national level, which, unfortunately, further underscore the systemic undermining of environmental protection, legal standards, and scientific expertise in Montenegro.

I. Environmental Impact Assessment (EIA) – Procedural and Legal Failures

The Environmental Impact Assessment (EIA) for the Komarnica HPP, published in February 2022, remains fundamentally flawed. Over a period of more than three years, civil society organizations have participated in public consultations, submitted scientific evidence, and contributed expert opinions. A 19-member expert commission, established by the Environmental Protection Agency (EPA) of Montenegro, repeatedly reviewed the study, and in accordance with the Law on Environmental Impact Assessment, issued a *third and final decision rejecting the EIA as incomplete and unacceptable*.

Despite this binding expert recommendation, the EPA unlawfully circumvented legal procedure by granting the project proponent (Elektroprivreda Crne Gore - EPCG) an additional deadline to amend the EIA study. **This action occurred after the statutory deadlines had expired and after the expert commission had explicitly ruled out the possibility of further revision.**

Instead of issuing a final rejection decision, the EPA enabled the investor to **temporarily withdraw the documentation**, avoiding formal closure of the procedure. Consequently, the project was not declared legally and environmentally unacceptable. This maneuver effectively blocked the removal of the Komarnica HPP from the national Spatial Plan, adopted just weeks later.

This dangerous precedent enables the continued revival of the project, regardless of expert opposition, legal obligations, or the irreversible impacts on nature. Shortly thereafter, the investor EPCG publicly declared that it had **not abandoned the project**, but had merely withdrawn “temporarily” due to allegedly short deadlines for revisions. This confirms the complainants’ concerns: that the EPA’s inaction keeps the project alive in violation of established procedures.

II. Adoption of the Spatial Plan of Montenegro until 2040

In July 2025, the Parliament of Montenegro adopted the **Spatial Plan of Montenegro until 2040**¹, which continues to **include the Komarnica HPP**, despite overwhelming objections from the scientific and international community.

Furthermore, the adopted Plan significantly differs from the version presented during the public consultation process. According to Montenegrin law, any substantial changes between the draft and adopted version require a new round of public consultation – which was not conducted. This procedural breach is currently the basis for a **legal appeal by a coalition of national environmental organizations**.

¹ Parliament adoption of Spatial Plan – Cabinet session on 12 June 2025 <https://www.cdm.me/english/parliament-adopts-spatial-plan-of-montenegro-until-2040/>

The Plan also contains multiple contradictions. For example, in the case of Buljarica (EMERALD_ME0000005), the text recommends protection, while the spatial map designates the area for intensive tourism development². Such inconsistencies exist throughout the Plan, raising serious doubts about its internal coherence and legal validity.

III. HPP Komarnica in the Draft National Energy and Climate Plan (NECP)

Although Montenegro has not yet adopted an Energy Strategy until 2040, the **Draft National Energy and Climate Plan (NECP)**, currently under consultation (until August 6, 2025), includes the development of **HE Komarnica (171.9 MW in 2032)** and **HE Kruševo (82 MW in 2033)** as part of the so-called "WAM scenario".

Environmental organizations, including some complainants, are actively reviewing the document and preparing a detailed submission calling for:

- The complete exclusion of large-scale hydropower projects from the NECP;
- The removal of Komarnica and Kruševo HPPs from national energy projections;
- A shift in focus toward decentralized, sustainable, and biodiversity-compatible renewable energy alternatives.

IV. Legal action against EPA and investor maneuvers

The Montenegrin Ecologists Society (MES) submitted a formal appeal to the Ministry of Ecology, Spatial Planning and Northern Development, requesting:

- The **annulment** of EPA's unlawful decision to extend deadlines to the investor;
- The **annulment** of EPA's decision to suspend the EIA procedure instead of rejecting it;
- The **completion of the EIA process** in accordance with the expert commission's final report, ensuring full compliance with national law and public interest.

These legal steps are necessary due to EPA's failure to act within its mandate, and to prevent further manipulation of environmental procedures.

V. Key expert support events and scientific research

On March 12th, the Montenegrin Ecologists Society, together with 20 NGOs, submitted an appeal to the Environmental Protection Agency **demanding the rejection of the Environmental Impact Assessment Study for the Komarnica Hydropower Plant**. The appeal highlighted that the document fails to meet basic scientific, methodological, and legal standards and urged the Agency to deny its approval.

On April 29th, **over 200 respected scientists, economists, energy experts, engineers, and legal professionals from across Europe signed a letter³ in full support of the citizens' demands and the Save Komarnica initiative. The experts called for an urgent stop to the destructive project and warned that:**

- A dam would cause the irreversible loss of priceless ecosystems and unique species.
- Natural water processes would be permanently disrupted.
- Global biodiversity protection efforts would be seriously harmed.

They also noted that no cost-benefit analysis has been conducted, and no economic or energy studies justify the project.

In May, Member of the European Parliament **Thomas Waitz** visited the Komarnica region with MES representative and emphasized its significance as one of Europe's last untouched canyons. He expressed **strong opposition to outdated hydropower plans**, highlighting that the area hosts rare and protected species and possesses exceptional conservation value. He advocated for Komarnica's recognition as a Natura 2000 site, reinforcing international attention and pressure on national authorities. Between **July 7–15, 2025**, the Montenegrin Ecologists Society, as part of the "Save Komarnica" initiative, hosted its annual **Taxon Expedition**, gathering over 20 scientists and nature enthusiasts from Europe and the

² Detailed critique of legal and procedural flaws (Buljarica, lack of SEIA, failure to re-consult) by NGOs and CIN-CG <https://en.vijesti.me/news-b/society/763679/cin-CG-government-approved-the-spatial-plan-of-Montenegro-buljarici-concrete-komarnici-flood>

³ <https://drustvoekologa.me/hitno-pismo-za-obustavu-projekta-izgradnje-he-u-kanjonu-komarnice/>

United States. During nine days of fieldwork in the Komarnica canyon and surrounding areas, researchers collected valuable data on cave fauna, snails, and insects. This expedition significantly contributes to our understanding of the canyon's biodiversity and supports the argument for its formal protection. Preliminary results further confirm the area's outstanding ecological value and strengthen the scientific foundation for permanently halting the project.

VI. New international cooperation agreements

In 2025, EPCG signed a **Memorandum of Understanding** with Norwegian energy company **NTE**⁴, aiming to expand cooperation on renewable energy development in Montenegro. According to EPCG, this agreement includes:

Information sharing;

Coordination of activities;

Evaluation of potential investment projects via their joint company, **Zeta Energy**.

While increased investment in renewables is welcome, we remain concerned that "renewables" continue to include environmentally destructive large-scale hydropower projects like Komarnica.

In light of the following developments:

- the Environmental Protection Agency's failure to act in accordance with national environmental legislation and expert commission findings;
- the questionable adoption process of the Spatial Plan of Montenegro until 2040, which failed to incorporate public feedback and strategic environmental recommendations;
- the persistent inclusion of the Komarnica hydropower project in national planning frameworks despite its incompatibility with conservation priorities; and
- the substantial and growing body of scientific, legal, and civic evidence demonstrating the irreversible harm the project would cause to biodiversity, ecosystems, and public trust,

we respectfully urge the Bureau to:

- upgrade the status of this case to a **"Possible File"** under the Bern Convention;
- place the complaint on the agenda of the **2025 Standing Committee meeting**;
- engage in coordination with **UNESCO and IUCN** to explore possibilities for enhancing the protection and potential extension of the **Durmitor National Park World Heritage Site**.

Sincerely,
Andrijana Mićanović

On behalf of: NGO Montenegrin Ecologists Society, NGO KOD and NGO Društvo mladih ekologa Nikšić



⁴ <https://www.vijesti.me/vijesti/ekonomija/768572/epcg-potpisala-memorandum-sa-norveskom-kompanijom>

Update Report dated February 2025

Mr. Mikaël Poutiers - Secretary of the Bern Convention
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Subject: Complaint No. 2022/04: Hydropower plant development on Emerald Network site Komarnica (ME000000P).

DEAR MR. POUTIERS,
DEAR MR. HORY,
DEAR MR. NGUYEN,

Hereby we send you an update by the complainants relevant to the Complaint No. 2022/04: Hydropower plant development on Emerald Network site Komarnica (ME000000P). After our last update in early 2024, we want to share with you the significant state-level developments related to the HPP Komarnica case.

I. New Government - old plans

1. The Komarnica hydropower plant is included in the **Energy Development Strategy of Montenegro until 2030**. Additionally, the Memorandum of Understanding was signed by representatives of Montenegrin Electric Enterprise AD Nikšić (EPCG) and the French company Electricité de France (EDF)⁵. According to their statement, EPCG and EDF intend to collaborate on the development of new hydropower plants to ensure Montenegro's energy security, applying the highest international standards in environmental protection, social issues, technologies, and practices.

2. Updated Environmental Impact Assessment submitted to the Environmental Protection Agency

After the public hearings concluded, the Environmental Protection Agency (EPA) formed an expert commission to evaluate the Environmental Impact Assessment (EIA) Study, in accordance with the Rulebook on the Content of Environmental Impact Assessment Studies. The commission identified numerous shortcomings in the study and issued 87 comments regarding its quality and the lack of relevant data. On July 18, 2022, the Agency's Director, Milan Gazdić, stated that the commission had mandated detailed research of the area to provide concrete data on the site's value and potential losses resulting from the construction of the hydroelectric power plant.

The commission finalized its report in May 2022, setting a deadline of 855 days for submitting an updated version of the study. **However, in September 2024, when the Montenegrin public anticipated updates on the revised study, it was informed that the deadline for submission would expire at the end of February 2025.**

This nearly five-month delay raises concerns about transparency and potential manipulation of the process, suggesting it could be a tactic to buy time. The uncertainty surrounding the assessment process have raised serious concerns regarding the rigour, transparency, and credibility of the procedure.

⁵ <https://www.epcg.com/media-centar/saopstenja-za-javnost/epcg-i-edf-potpisali-memorandum-o-razumijevanju-dugorocni-dijalog>

On 14 February 2024, we received an official answer from the Environmental Protection Agency that **the promoter of the Komarnica hydropower plant EPCG submitted to EPA an updated EIA**. We also received a copy of the updated EIA. In line with the decision of the Bern Convention Bureau from April 2024 *"as the EIA was expected not before the end of September, both parties were requested to submit their progress reports, notably on the results of the EIA, for the Bureau meeting in Spring 2025"* below are some quick comments on the document:

- authors of the EIA report did not meet many of the shortcomings and recommendations by the commission;
- authors of the EIA report did not carry out any additional field research in the form and quantity asked by the commission;
- many species and habitats in the report are not evaluated as asked by the commission;
- there is no appropriate assessment of the impacts of the hydropower project on the Emerald site and the potential Natura 2000 sites.

The commission is currently evaluating this version of the EIA and will then send a new assessment report to the proponents and EIA authors. As the project proponent submitted the updated study again, the commission will continue its evaluation. According to the **Law on Environmental Impact Assessment**, the commission then provides its final recommendation on the approval or rejection of the EIA. The final decision is made by the EPA.

At this moment the commission has three options:

- **accept the report**, after which the Environmental Protection Agency (EPA) issues an environmental permit.;
- **ask for a new updated EIA report**, since many suggestions were not meet in the current one;
- **reject the EIA at this stage**, although this is not common practice.

As the second option is the most probable, the process might conclude by summer 2025. If an environmental permit is issued now or in summer 2025, a construction permit would be easily issued and construction can start.

3. Spatial plan of Montenegro (draft)

What is worrying is that the **draft of Spatial Plan for Montenegro until 2040**, which is currently under public debate, still includes the construction of the **Komarnica Power Plant** alongside with two more hydropower plants (**Boka and Kruševo**) and a new turbine on the existing Perućica plant.

In this draft, it is stated that: *"The construction of HPP Komarnica is planned by the Energy Development Strategy of Montenegro until 2030, the National Strategy for Sustainable Development of Montenegro until 2030. Detailed spatial plan for HPP Komarnica, Spatial urban plan of the municipality of Šavnik and Spatial urban plan of the municipality of Plužine."*

In addition, it is concluded that: *"Recognizing the indisputable great importance of HPP Komarnica in the energy system of Montenegro, and on the other hand environmental requirements and protection requirements, for the final decision on the construction of HPP Komarnica, it is important that within the project documentation and accompanying assessment of the impact on the environment will be brought by the conclusions of the competent institutions of Montenegro."*

The public consultation on the Draft Spatial Plan of Montenegro until 2040 and the Strategic Environmental Impact Assessment Report was organized by the Ministry of Spatial Planning, Urbanism, and State Property from January 29 to April 29, 2024. Through active participation in this process, the Montenegrin Ecologists Society (MES), the "Save Komarnica" initiative, numerous non-governmental organizations, concerned

citizens, and independent experts submitted numerous suggestions and objections, particularly emphasizing the exclusion of plans for the construction of the HPP Komarnica from this key national document.

However, despite the extensive public debate, the Ministry and planners have not provided responses to the submitted comments and recommendations, leaving no room so far to further public oversight and transparency. The **Spatial Plan has yet to be officially adopted**, raising concerns about whether the arguments presented during the consultation will be adequately considered.

All our efforts and requests to exclude the construction of the Komarnica Hydroelectric Power Plant from the plan, expressed during public events and meetings with Ministers, addressing this topic, conclude with the assertion that, **if the Environmental Impact Assessment indicates that construction is unjustified, the project will not proceed.**

We would like to point out that Boka and Kruševo plants could also be problematic. Boka would take water from Bileća reservoir (between Bosnia and Herzegovina and Montenegro) thus diverting water from the Neretva basin, which is linked to Open File 2020/09: possible negative impact of hydro-power plant development on the Neretva river and to a new complaint on the Upper Horizons hydropower scheme.

4. New Hydro power plant development in another EMERALD site candidate

The **planned and announced construction of the Kruševo Hydropower Plant raises serious concerns.** Given that the proposed project site currently falls within Zone I of the Piva Nature Park's protection regime, **Montenegrin Electric Enterprise AD Nikšić (EPCG) has submitted an initiative to the relevant local and state authorities to revise the study of the Nature Park “Piva”. The goal of this initiative is to exclude the targeted area from the park’s boundaries⁶,** in accordance with the Nature Protection Law. This move is deeply troubling, as it signals the **potential loss of yet another EMERALD candidate** site in Montenegro - specifically, the remaining section of the Piva Canyon downstream from the existing hydropower plant, designated as **ME000000N. This is the only remaining habitat of the Danube salmon (*Hucho hucho*) in the nature park and one of the few in the Balkans.**

Moreover, the Emerald site is only 1664 hectares and will be completely destroyed if the hydropower plant is constructed, just like with the Komarnica plan and Emerald site which is located in the same river basin.

The proposed Kruševo Hydropower Plant would be constructed on the downstream Piva River, just before its confluence with the Tara River. This area is on the border of the UNESCO World Heritage Site of Durmitor National Park, which is subject to UNESCO’s strict conservation guidelines. Such a development poses significant environmental and legal risks, further jeopardizing Montenegro’s commitment to protecting its natural heritage.

5. The Unified List of Priority Infrastructure Projects⁷

At its 61st session held on December 12, 2024, the Government of Montenegro adopted the Unified List of Priority Infrastructure Projects for the energy sector.

Energy production is the sector allocated the largest portion of funds – nearly half of the total budget of 1.38 billion euros, or 665 million euros. These funds are distributed across six projects: two hydropower plants (Komarnica and Kruševo), two solar power plants (Slano and Krupac), the installation of an additional unit at

⁶ <https://www.vijesti.me/vijesti/ekonomija/723487/milutin-djukanovic-epcg-u-brojkama-5-ve-gvozd-se-gradi-he-komarnica-na-cekanju-he-krusevo-izvjesna>

⁷ <https://balkangreenenergynews.com/rs/crna-gora-usvojila-listu-od-15-prioritetnih-energetskih-projekata/>

the Perućica Hydroelectric Power Plant, and the continuation of the Solari project, which involves the installation of solar panels on household roofs.

In the meantime, there has been a significant increase in the construction costs of the Komarnica HPP. The initial estimate was 246 million euros, but it was later revised to 260– 290 million euros. Currently, the costs have been further increased by 10–15%, bringing the total figure to 315 million⁸ euros.

This increase further highlights the financial risk of the project, particularly in light of the growing ecological and social challenges associated with its implementation, as well as challenges related to climate change.

II Scientific Research and Educational Initiatives

Important progress has been made in scientific research and education related to the Komarnica River. Alongside ongoing media attention, protests and educational events, scientific research has also taken place this year, involving international organizations. A key achievement has been the collection of new scientific data through scientific research and student-research camps organized and hosted by the Montenegrin Ecologists Society, one of the complainants.

Notably, one of these expeditions was part of the *Taxon Expedition*⁹, an international gathering of scientists, which collected valuable biodiversity data currently being analyzed and prepared for publication in scientific journals.

Further research is planned this year, helping to shed more light on the rich biodiversity of the Komarnica Canyon ecosystem.

In light of the continually evolving situation in Montenegro, ongoing governmental efforts to secure necessary documentation and funding for the construction of the Komarnica hydropower plant and other facilities in the Komarnica/Piva basin, the lack of progress in addressing the impacts on the UNESCO World Heritage property, the government's apparent disregard for the recommendations of the European Parliament, as well as the possibility to issue an environmental permit in summer 2025, we ask the Bureau:

- to update the complaint status to Possible File. Given the current openness of the State Spatial Plan to revisions and corrections, we kindly urge the Bureau;
- to place the complaint on the agenda for the upcoming 2025 Standing Committee meeting;
- to coordinate with UNESCO and IUCN the possibilities to protect and expand the Durmitor National Park World Heritage Site;
- to ask for an update from the government and the complainants for the Autumn 2025 Bureau meeting.

Best regards,

Andrijana Mićanović

On behalf of: NGO Montenegrin Ecologists Society, NGO KOD and
NGO Društvo mladih ekologa Nikšić

⁸ <https://www.epcg.com/media-centar/saopstenja-za-javnost/bulatovic-u-intervjuu-vijestima-zastoj-termoelektrane-kostace-okolo>

⁹ <https://taxonexpeditions.com/>