



Strasbourg, 3 February 2025

TPVS/Files(2025)2022-4_gov

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

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

Bureau of the Standing Committee
8-10 April 2025
Strasbourg

Complaint on Stand-by: 2022/4

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

- REPORT BY THE GOVERNMENT -

*Document prepared by the Montenegro Ministry of
Ecology, Sustainable Development and Development of
the North*



Montenegro
Ministry of Ecology, Sustainable Developmentt and
Development of the North

Address: Eko-efikasna zgrada bb
81000 Podgorica, Montenegro

**Report on New Complaint No. 2022/04: Montenegro:
Hydropower plant development on
the candidate Emerald Network site Komarnica (ME000000P)**

January, 2025

I) INTRODUCTION

The Ministry of Tourism, Ecology, Sustainable Development and Development of the North, of Montenegro was requested from the Secretariat of the Bern Convention to prepare a report on the compliant No.2022/04: Hydropower plant development on candidate Emerald Network site Komarnica (ME000000P), submitted on behalf of three NGOs: Montenegrin Ecologists Society, KOD and Društvo mladih ekologa Nikšić.

Construction of a hydropower plant on Komarnica river was planned in the Energy Development Strategy of the Republic of Montenegro until 2025, and it is a part of updated Energy Development Strategy of Montenegro until 2030. Moreover, the construction of this hydropower plant is one of the recommendations in fulfilling the national goal for renewable energy sources.

According to the Environmental Impact Assessment the value of the Komarnica canyon where the construction of the hydropower plant is planned, from the aspect of biological diversity is exceptional, which includes all levels of diversity, from genes to species, a and diversity of habitats, ecosystems and biomes. Due to this exceptional richness, the area was established in 2017 as Nature Park „Dragišnica and Komarnica“ and holds an official nomination as a candidate Emerald site „Komarnica“ (Site Code: ME000000P).

The area of hydropower plant Komarnica was considered and defined in the Detailed Spatial Plan for the Area of Multi-purpose Accumulation on the Komarnica river. In accordance with legal regulations, the process of strategic environmental impact assessment was implemented for this document. The Strategic Environmental Impact Assessment of the Detailed Spatial Plan for the multipurpose accumulation on the Komarnica River, has clearly recognized and defined the scale of negative impact of realization of activities on Komarnica river, and defined set of recommendations, guidelines and measures of protection. The evaluation procedure of the Environmental Impact Assessment Elaborate is the process.

The final decision on the construction of the Komarnica hydropower plant of the Government will be directly related to the results of the evaluation of the Environmental Impact Assessment (EIA Elaborate) which is currently underway for the construction project for the Komarnica hydropower plant.

Bearing in mind that the formed commission for the evaluation of the EIA Elaborate prepared a report for which a deadline of 855 days was set to incorporate the EIA elaborate. As the deadline has not yet expired, the Government cannot make a final decision on the construction of the Komarnica hydroelectric power plant at this time.

Until the deadline expire, we are reminding of the most important information.

II) Basic information on ecological network for Montenegro

In the frame of the EU Acquis and as signatory to the Bern Convention Montenegro committed itself to set up an ecological network throughout Montenegro. Since 2011 Montenegro has already nominated 32 candidate Emerald sites covering about 17% of the countries surface. In the past 5 years also, significant progress could be made to map habitats, species and birds, which are listed in the respective annexes of the EU Habitat and bird directives as well as the Bern convention. To date about one third of the country has been mapped under the habitat directive and 33 candidate SPAs (special protected areas) have been identified covering 53.5% of the countries surface. In addition, about 13% of the country has a national protection status.

The establishment and management of the ecological network for Montenegro is described in the law on nature conservation (Article 41 to 54) and a closing benchmark for chapter 27 on the Environment of the EU Acquis.

The preliminary data shows, that all municipalities in Montenegro will have to deal with one or another ecological network area. Therefore, it is planned to start the communication with the local communities and all stakeholders at an early stage. The ecological network will allow a zonation of the country, balancing all needs of the society. Ultimately, it will be mirrored in the spatial plan of the country. To facilitate and coordinate the process of establishment of the ecological network two working groups are planned to be established in the following period.

III) Positions of the government of Montenegro regarding the complaint

Energy Development Strategy of Montenegro until 2030

The construction of the Komarnica HPP is planned by the Energy Development Strategy of Montenegro until 2030, the National Sustainable Development Strategy of Montenegro until 2030, the Detailed Spatial Plan for the Komarnica HPP, the Šavnik Municipality Spatial Development Plan and the Plužine Municipality Spatial Development Plan.

(In addition to the planning and strategic documentation, the Regional Strategy for Sustainable Hydropower in the Western Balkans – WBIF Study, which was prepared with the support of the European Union for the needs of the Western Balkans Investment Fund, classifies the Komarnica HPP as an environmentally friendly project, i.e. projects categorized as: Greenfield projects which do not face serious bottlenecks (e.g. litigations) or environmental and social concerns – HPP Komarnica.

During the preparation of the study, the legal and regulatory framework was taken into account, which includes all relevant directives, conventions and regulations in the field of energy, environmental protection and water management).

(In October 2020, the European Commission adopted a comprehensive Economic and Investment Plan for the Western Balkans with the aim of accelerating the long-term economic recovery of the region, supporting the green and digital transition, regional integration and convergence with the European Union. In the field of energy, within the so-called Flagship 4-RENEWABLE ENERGY, the European Commission has identified four specific projects that will be supported, including the construction project of the Komarnica HPP.

Urban planning and technical conditions have been issued for the Komarnica HPP and the preparation of project documentation is underway.

The final decision on the construction of the Komarnica hydropower plant of the Government will be directly related to the results of the evaluation of the Environmental Impact Assessment (EIA Elaborate) which is currently underway for the construction project for the Komarnica hydropower plant.

Environmental Impact Assessment Elaborate

In Montenegro, the process of impact assessment of projects on the environment is precisely defined by laws and bylaws, which are largely brought in line with the requirements of the European Union. The role of the EIA Elaborate is to determine the size and significance of the impact on the environment that can result from the actions and activities carried out with an aim to implement the project, which is defined by the Urban Technical Conditions issued on the basis of the valid Spatial Plan, so as to define the conditions under which the given project can be implemented in order to reduce and eliminate those impacts in the most acceptable way possible in accordance with the relevant environmental laws.

As you already know from the previous Report, the deadline for submitting a new EIA was until September 2024, however, since the EIA is still under development and this deadline was subsequently extended, again,

until February 2025. Since we currently do not have a document that would allow us to present any position with certainty on behalf of the Government of Montenegro, we would like to inform you that after the EIA is submitted by the competent institution, the Government of Montenegro will inform the Bureau of the Bern Convention about the outcome.

Spatial Plan of Montenegro

We would also like to inform you that all relevant institutions are currently giving their opinions on the Spatial Plan of Montenegro, as well as on the Environmental Impact Assessment of the Spatial Plan of Montenegro. In parallel, a public discussion is underway for all interested parties and citizens. The Spatial Plan has not and will not be adopted before all necessary opinions are collected and the documents are corrected in accordance with their comments and suggestions, if any.

Pursuant to Article 21 of the Law on Strategic Environmental Impact Assessment, the authority responsible for the preparation of the plan and program (in this case, the Ministry of Spatial Planning, Urbanism and State Property) has submitted to the Environmental Protection Agency, as the authority responsible for environmental protection, the Strategic Environmental Impact Assessment Report for the Amendments to the Spatial Urban Plan of the Municipality of Pljevlja, with the Report on the public hearing, for granting or refusing consent.

Pursuant to the same article, all interested public is invited to submit their suggestions and comments on the Report in question **no later than 17.02.2025**, by 12 noon.

The Spatial Plan of Montenegro also plans the construction of hydropower plants, which attract a lot of attention in the public, mainly due to the lack of a clear vision of development and lead to problems in the implementation of projects. Many of these problems that are discussed in public are very real and require political decisions based on facts about what is the public interest and what is lost in the case of construction.

The latest is the construction of the Komarnica hydroelectric power plant, and this topic is still open without a clear commitment from the State. This is followed by the planning of the Kruševo hydroelectric power plant, which, in relation to the planned positioning, brings new challenges, given that it is a clear conflict between nature protection and energy development, which is clearly emphasized in the Spatial Plan.

In the case of the Kruševo hydroelectric power plant, even the Draft Spatial Plan of Montenegro and the Strategic Environmental Impact Assessment pointed out possible conflicts between nature protection of part of the Piva Nature Park. When considering the location of the Kruševo HPP in more detail, it is necessary to find a compromise between energy development and nature protection.

As stated in the Strategic Environmental Impact Assessment of the Spatial plan of Montenegro: "A conflict situation in the planning and construction of hydropower facilities has been recognized on the Komarnica (Nature Park "Dragišnica and Komarnica") and Piva (Nature Park Piva) rivers, which are protected by national legislation, and which, with the construction of hydroelectric power plants or reservoirs, would suffer incalculable irreversible negative impacts on biodiversity, habitats, and landscape. According to the Law on Nature Protection of Montenegro (Article 24), a Nature Park is a natural or partially cultivated area of land and/or sea, characterized by a high level of biological diversity and/or geological values with significant landscape, cultural-historical values, and ecological features of national and international importance. In a nature park, it is prohibited to carry out actions and activities, that endanger the characteristics, values, and role of the park."

Conclusion:

Considering that all relevant institutions are currently providing their opinions on the Spatial Plan of Montenegro and the Environmental Impact Assessment of the Spatial Plan of Montenegro, and that a public debate is underway for all interested parties and citizens, the Government of Montenegro is currently unable to take a firm position on this issue. The Spatial Plan has not and will not be adopted before all necessary opinions are collected and the documents are corrected in accordance with their comments and suggestions as well as the assessment of the Study.

Since the draft Study on the Impact Assessment of the Spatial Plan itself recognizes a conflict situation in the planning and construction of hydropower facilities on the Komarnica River (Nature Park “Dragišnica and Komarnica”) and Piva River (Nature Park Piva), which are protected by national legislation, and which would suffer negative impacts on biodiversity, habitats and landscapes due to the construction of hydropower plants or reservoirs, it is necessary to wait for the results and necessary opinions to take a final position.