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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*

Update Report – February 2026

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

February, 2026

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 Environmental Impact Assessment procedure for the construction of the Komarnica Hydropower Plant

By Request No. 02-UPI-1618/1 dated 21 December 2021, the Project Proponent, Elektroprivreda AD Nikšić – Directorate for Development and Engineering, submitted to the Environmental Protection Agency a request for approval of the Environmental Impact Assessment (EIA) Study for the construction of the Komarnica Hydropower Plant (HPP Komarnica) on the Komarnica River, within the municipalities of Šavnik and Plužine.

In accordance with the Law on Environmental Impact Assessment, the Environmental Protection Agency conducted the procedure in full compliance with the legally prescribed requirements. The procedure included:

- Public notification of the initiation of the EIA procedure;
- Ensuring public access to the EIA Study at the Agency's premises and via the Agency's official website, as well as the websites of the municipalities of Šavnik and Plužine (the initial public consultation period lasted until 10 March 2022);
- Organization of two public hearings (Šavnik – 3 March 2022; Plužine – 4 March 2022);
- Extension of the public consultation period until 25 March 2022, due to significant public interest;
- Enabling submission of comments, objections, and proposals in written and electronic form throughout the consultation period.

At all stages of the procedure, the Agency ensured timely and transparent communication with both the general and professional public, as well as with relevant institutions.

In order to ensure maximum transparency and inclusiveness, a public call was issued on 15 February 2022 inviting non-governmental organizations to nominate candidates for membership in the Commission for the Evaluation of the Environmental Impact Assessment Study.

Pursuant to Decision No. 02-UIP-1618/37 dated 30 March 2022, the Agency established a multidisciplinary expert Commission composed of 15 members, including one representative of the non-governmental sector, tasked with evaluating the EIA Study.

Following its establishment, the Commission received the EIA Study, together with the reports from the public hearings and all comments and objections submitted during the public consultation process. Upon completion of its review, the Commission submitted Evaluation Report No. 03-UIP-1618/47 dated 20 May 2022, identifying substantive deficiencies in the Study and setting a deadline of 855 days for the Project Proponent to address the identified shortcomings.

On 31 February 2025, the Project Proponent submitted a revised version of the Study (No. 03-UIP-1618/64 dated 31 February 2025), which was forwarded to the Commission for re-evaluation.

In its Report No. 03-UIP-1618/65 dated 3 March 2025, the Commission concluded that the revised Study did not adequately address the previously identified deficiencies and set an additional deadline of 25 days for submission of a second revised Study. This constituted the exhaustion of the legal possibility, under the Law on Environmental Impact Assessment, to return the Study for revision twice.

Subsequently, by submission No. 03-UIP-1618/66 dated 7 March 2025, the Project Proponent requested an extension of 365 days in order to implement the required amendments.

Taking into account the scope and complexity of the Commission's comments and the need to ensure an optimal solution for the project, the Environmental Protection Agency, by Act No. 03-UIP-1618/68 dated 15 April 2025, granted a limited extension of 30 days. The extension period commenced on 22 April 2025, the date of receipt of the decision by the Project Proponent, as evidenced by the return receipt.

Thereafter, by letter No. 03-UIP-1618/69 dated 20 May 2025, the Project Proponent informed the Agency that, due to the extensive nature of the required amendments, it was not possible to complete the revisions within the granted timeframe. Consequently, pursuant to Article 101(2) of the Law on Administrative Procedure, the Project Proponent formally withdrew its request from further administrative consideration.

In accordance with Article 102(1) of the Law on Administrative Procedure, which provides that administrative proceedings initiated upon request of a party shall be terminated if that party withdraws its request, the Environmental Protection Agency adopted Decision No. 03-UIP-1618/70, thereby formally terminating the Environmental Impact Assessment procedure for the construction of the Komarnica Hydropower Plant.

Based on the foregoing, the Environmental Protection Agency conducted the procedure in full compliance with applicable legal provisions, ensuring transparency, public participation, and due consideration of expert findings throughout

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.

Although the Komarnica HPP project is strategically recognized within the framework of energy development, its implementation remains conditional on:

- implementation of all legally prescribed procedures, including environmental impact assessment;
- compliance with national and international environmental standards;
- ensuring the financial sustainability of the project;
- decisions of the competent institutions in accordance with applicable legislation.

The strategic positioning of the project does not prejudice the outcome of future administrative and regulatory procedures

Spatial Plan of Montenegro

The project for the construction of the Komarnica Hydropower Plant is envisaged within the Draft Spatial Plan of Montenegro until 2040, which represents the highest hierarchical planning document in the field of spatial planning.

The Draft Spatial Plan defines the long-term development directions of the State in the areas of energy, infrastructure, regional development, and protection of natural resources. In this context, HPP Komarnica is recognized as one of the potential energy facilities of strategic importance, with the objectives of:

- strengthening energy stability and security of supply;
- increasing the share of electricity generation from renewable energy sources;
- gradually reducing dependence on thermal power generation capacities;
- improving the national energy infrastructure.

The inclusion of the project in a planning document represents a strategic policy orientation at the planning stage; however, it does not imply automatic approval for project implementation. All further steps remain subject to the procedures prescribed by law, including the environmental impact assessment process and the issuance of the relevant permits.

Although the project is included in strategic planning documents, the implementation of construction remains conditional upon the completion of all applicable legal procedures.

The environmental impact assessment procedure for the project in question was previously terminated following the withdrawal of the request by the project proponent. In the event of a possible continuation of project development, it would be necessary to initiate a new environmental impact assessment procedure, in accordance with the applicable legislation.

Conclusion:

The inclusion of HPP Komarnica in the Draft Spatial Plan of Montenegro until 2040 and its designation as a priority infrastructure project represent a strategic planning commitment of the State in the field of energy.

However, such status does not constitute approval for project implementation, nor does it replace the obligation to conduct all prescribed environmental protection procedures, public consultations, and to obtain the approvals of the competent authorities.

The further development of the project will depend on:

- the potential initiation of a new environmental impact assessment procedure;
- compliance with national and international environmental standards;
- the provision of the necessary financial and technical preconditions;
- decisions of the competent institutions in accordance with the law.