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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

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**Possible negative impact of mining activities in Bosilegrad
and in the Homolje Mt region (Serbia)**

- COMPLAINANT REPORT -

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Update on Complaint No. 2022/06: Serbia: Possible negative impact of mining activities in Bosilegrad and in the Homolje Mt region, Serbia

18 November 2025

Bosilegrad Case

ABSTRACT

This report updates Complaint No. 2022/06. Despite the Institute of Nature Conservation of Serbia's Decision (No. 3-021-2941/6 of 30 January 2025) prohibiting the expansion of mining activities in protected areas, and the rejection of an appeal lodged by Bosil Metal, the Ministry of Environmental Protection continues the environmental impact assessment procedure. The appeal was returned to the Institute for further action, which we request further information on. The Claimants attribute the discrepancies between the expert report by Professor Chadwick and the Environmental Protection Agency's test results to the Agency's distinct remit resulting in sampling at sites which are not in proximity to the mine with diluted pollutant concentrations which do not include tests sediments or tailings. Given that the Agency's tests are funded by Bosil Metal, there is a need for independent verification. As highlighted in previous reports, environmental defender Branko Mitov continues to contest a meritless criminal claim. In this regard, the Claimants ask the Serbian government to provide a summary at the Standing Committee meeting in December, and to provide guarantees of fair treatment of environmental defenders. The roundtable conference planned to take place in Serbia in Spring 2026 is welcome and request is made for an on-the-spot appraisal of the site and an opportunity for Professor Chadwick to take samples and provide expert advice. Reference is made to the Inter-American Court of Human Rights ("IACtHR"), which published its Advisory Opinion ("AO") titled "Climate Emergency and Human Rights", which recognises that the right to a healthy climate extends to nature itself and imposes obligations to protect natural ecosystems. The Opinion's emphasis on safeguarding nature, particularly as outlined in paragraphs 314 to 316 bears directly on the risks currently faced by the Bosilegrad ecosystem. The recognition of these rights in international law must be reflected within the Bern Convention framework.

(1) Summary

The Claimants welcome the opportunity to provide an updated report on the Complaint.. We also welcome the progress made in the Complaint to date. We acknowledge the Institute of Nature Conservation of Serbia's Decision on Nature Protection Considerations (No. 3-021-2941/6 of 30 January 2025) which prohibits the

implementation of the planned activities at the “Podvirovi” and “Popovica” deposits. We note with appreciation that the deposits have been recognised as located within protected areas and that this decision is consistent with international law. The mine has not been operational since September 2024 and the denial of licenses for the expansion of the mine is noted as a positive development. However, we are concerned that there is a pending appeal with an attendant risk of further mining. It is noted that the mine is in the catchment area of the Dragovištica River, an emerald site proposed river, which flows into Bulgaria. Article 4(3) of the 1962 Yugoslavia-Bulgaria Agreement on Fisheries in Boundary Waters prohibits the flow of untreated industrial wastewater into such transboundary waters regardless of the way and from what distance these substances reach the respective border waters.¹

(2) Scientific testing and information requested

(i) Government action and conflicting scientific reports on pollution

Despite the Institute for Nature Conservation of Serbia issuing the Decision on Nature Protection conditions (No. 03-021-2941/6 of 30 January 2025) which prohibits Bosil Metal from carrying out mining activities in the “Podvirovi” and “Popovica” deposits near Bosilegrad, the Ministry of Environmental Protection has continued its environmental impact assessment process with Bosil Metal. Following the Institute for Nature Conservation of Serbia’s decision No. 03-021-2941/6, Bosil Metal lodged an appeal. The Institute issued its response to this appeal under reference 03 No. 021-2941/8 of 25 March 2025, it has been forwarded to the second instance authority, the Ministry of Environmental Protection, for further consideration.

On 15 August 2025, Earth Thrive submitted an appeal against the denial by the Decision of the Ministry of Environmental Protection of an information request. The Ministry refused to provide the response of Bosil Metal to the comments of the Technical Commission and the subsequently corrected Environmental Impact Study. It is requested that these documents are published to enable public consultation, in line with the Aarhus Convention. .

We would also like to draw attention to significant discrepancies between sample testing previously carried out by Dr Michael Chadwick, and the results obtained by the Environmental Protection Agency. We believe that the differences stem from the fact that the Agency conducted limited measurements of the River Dragovištica at the Ribarci profile, where dilution reduces detectable pollutant levels. The agency fails to test sediments or tailings, which are the primary sources of contamination. In contrast, the tests commissioned at the request of Earth Thrive and King’s Legal Clinic were conducted near the mine, and they clearly indicate elevated metal concentrations

¹ Regulation on the ratification of the agreement between Yugoslavia and Bulgaria on fishing in border waters <http://demo.paragraf.rs/demo/combined/Old/t/t2006_05/t05_0074.htm>

inconsistent with the Agency's reports. Given that the Agency's testing is funded by Bosil Metal, these discrepancies should not be ignored, as they call into question the accuracy and integrity of the data used to justify the ongoing environmental assessment and highlight the need for independent verification and greater transparency by the competent authorities.

(ii) Targeting of environmental defenders

As we have highlighted in previous reports, local resident and environmental defender Branko Mitov has been prosecuted for visiting the mine site to monitor compliance with environmental standards. The Complainants are concerned about the integrity of the criminal process. The last action in his case occurred in October 2024, when Bosil Metal employees appeared as witnesses and gave false statements. Since then, there has been no further progress on the criminal charge, and Mr. Mitov is currently awaiting the discontinuation of the procedure. We invite the Serbian Government to provide a summary of these proceedings at the Standing Committee meeting in December and to provide guarantees of fair treatment for environmental defenders.

(3) Proposals and remarks prior to the roundtable

(i) Proposal for a Visit in conjunction with Roundtable

Following the previous requests and an online meeting with Serbian authorities on 5th September, an in-person roundtable between all complainants is planned to take place in Serbia in Spring of 2026. We sincerely welcome this opportunity and look forward to a discussion between all relevant stakeholders on the issue.

In addition to this, we would like to recall our request for an on-the-spot appraisal of the mining site in conjunction with the roundtable. We propose that Dr Michael Chadwick joins the on-the-spot appraisal and conduct further sampling for analysis. We respectfully request that this should take place in late April 2026 as the time of year most likely to provide clear results regarding the impact on protected species.

(ii) Rights of Nature recognised in the Inter-American Court of Human Rights Advisory Opinion

We draw the Standing Committee's attention to the July 2025 decision of the Inter-American Court of Human Rights in its Advisory Opinion on the *Climate Emergency and Human Rights*,² which recognised the Rights of Nature as part of the right to a healthy environment under Article 26 of the American Convention on Human Rights. The Court relevantly stated at paragraph 315 that "the right to a healthy climate relates not only to present and future generations, but also to Nature, conceived as the physical and biological foundation of life". The Court continued at paragraph 316 that

² Inter-American Court of Human Rights Advisory Opinion "Climate Emergency and Human Rights" (July 2025) found here: https://www.corteidh.or.cr/docs/opiniones/seriea_32_en.pdf

“it is necessary to adopt a systemic and integrated perspective that will be significantly strengthened when Nature is recognized as a subject of rights”, and at paragraph 283 “that States must not only refrain from acting in a way that causes significant environmental damage, but have the positive obligation to adopt measures to guarantee the protection, restoration and regeneration of ecosystems.” The preambular text of the Bern Convention, identified in our original Complaint, should therefore be harmoniously interpreted in line with Article 31(3)(c) of the Vienna Convention on the Law of Treaties consistently with these positive international obligations which protect the Rights of Nature.

HOMOLJE CASE

Summary:

As this is a short Report we will skip the Abstract and just do a short summary:

Thanking you for the opportunity to submit an updated report, we repeat in this update, as already reported numerous times, that the government and the mining company Dundee Precious Metals are systematically continuing to either breach the law and/or fail to deal with the breaches of law or other irregularities. As well as regularly failing to provide us with the relevant information in order for us to try and address those breaches all the while continuing with the project which does not fully comply with the law(s). This has all direct impact on the living beings living in the vicinity of the ever increasing exploration operations which we will report about in our next submission.

Updates on the July Report:

1. Despite a series of constant irregularities regarding this project, as pointed out in our reports, the Serbian government approved the commencement of preparation of the Spatial Plan for Special Purpose Area (SPSPA) for the Coka Rakita mine which the mining company itself, Dundee Precious Metals will be financing.

The Government of the Republic of Serbia has adopted the Decision on the Preparation of the Spatial Plan of the Special Purpose Area for the “Čoka Rakita” mineral deposit in the Crni Vrh region which was published in the Official Gazette of the Republic of Serbia, No. 101/2025 of 14 November 2025, and will enter into force on 22 November 2025.

It is unclear how, in accordance with the positive law of the Republic of Serbia, an investor may finance the preparation of a spatial plan — a document that is, by its nature, a public planning instrument intended to protect the public interest.

If the investor finances the preparation of the plan, the plan becomes an instrument through which the investor determines the rules of the game, especially given the enormous stakes involved — the entire Nature of the area, which would be severely threatened by mining.

We would like to ask for clarification as to how is this in compliance with Articles 4.1 and 4.2 of the Bern Convention?

2. We would like to point out that neither DPM Avala nor DPM Crni Vrh possesses any valid water-related acts, although their continuing exploration activities directly affect surface and groundwater. The Ministry confirmed on 14 November that no water-related acts were issued to these companies (May 2024–present). In the inspection report of 28 June 2024, the Water Inspector explicitly identifies as an irregularity that DPM Crni Vrh d.o.o. does not possess a water permit. On page three, he states that a water permit—as *the final act regulating the method and scope of water abstraction for the Čoka Rakita exploration works (2022–2025)*—is mandatory under Article 122 of the Law on Waters.

So again we would like to ask the Bureau to direct the government of Serbia to provide an explanation as to how this is possible and why are law-disrespecting irregularities occurring on regular basis and without any apparent mitigation, sanation or, for that matter, any improvement in the way this whole project is being run, overseen, regulated and sanctioned.

We would like to argue that such gross disrespect for even the basic laws protecting Nature and her various parts like water, goes in direct contravention of the Bern Convention Articles 4.1 and 4.2

3. We would like to repeat our frustration with the Government's perpetual obfuscation when it comes to providing us, not with state secrets but with by-the-law-required-to-provide information of public importance - relating to this and all our other Complaints as we keep reporting for the past 4 years.

The latest round of Government's non compliance with the FOI law is outlined in the Annex below.

We would again like to ask the Bureau to direct the Government of Serbia to provide us with the full, correct, truthful, concrete and **actual** information we are asking of them in good and timely manner which is, again, required by law, both domestic and

international

ones!

This kind of systematic and systemic mishandling of important public participation in the decisions concerning the environment and Nature is in direct breach of the Aarhus Convention, pillars 1 and 2. Pillar 3 is, as should be evident from our Reports, also not something that is possible to achieve with the current governmental handling of the matters in question.

Annex

Several requests for access to information were submitted, several of which remained unanswered, constituting a breach of the Law on Free Access to Information of Public Importance:

1. On 31 October, a request was sent to the Institute for Nature Conservation of Serbia asking for the latest nature-protection conditions for the Potaj Čuka licence. The Institute did not respond within the legal deadline.
2. On 3 November, a request for all water-related acts issued to DPM Avala and DPM Crni Vrh from May 2024 onward was sent to "Srbijavode" - SerbiaWater. No response was received. This is administrative silence and a breach of the law.
3. On 3 November, a request was sent to the Ministry of Mining and Energy asking for all permits and mining-waste management plans issued under Article 144 for DPM Avala and DPM Crni Vrh. No response was received within the 15-day deadline.



4th August 2025

Bern Convention - Complaint No. 2022/06 - Possible negative impact of mining activities in Bosilegrad and in the Homolje Mt region

Fifth report

Dear members of the Bureau,

Thank you for the opportunity to contribute with our Report on the latest status of the mining activities in Bosilegrad and in the Homolje Mt region in Serbia

Please find below our 2 joint reports for the September 2025 meeting of the Bureau:

Homolje case: Earth Thrive, Cuvari Homolja / Homolje protectors, Mlavaska Vojska / Mlava river army & Earth Law Center organisations

CASE SUMMARY:

As stated in our previous reports and as noted by the Bureau, the uncontrolled and increased drilling with associated illegal water grabs, noise, chemical pollution and with it severe disturbance and endangerment of (protected) Nature is continuing unabated, details of which are provided in the main Report and Annex I.

Equally, and connected to that, inspection controls, which are meant to independently oversee the project, correctly ascertain the situation and penalise the offenders, are inadequate, insufficient and woefully inefficient. Whether by design, deliberately or through incompetence and lack of care - the result is hurt Nature and not only continuation but expansion of illegal work resulting in breach of several Bern Convention articles as well as domestic law.

Our respectful request for detailed explanation and correction of this inspectorate oversight as well as immediate cessation of illegal works and Nature harming and swift legal processing of the offenders, remains.

Abstract:

Continual drilling waste mismanagement and resulting high pollution of Nature

The trend of extensive mismanagement of drilling slurry resulting in soil and surface water pollution, already reported in previous reports, is continuing unabated. The contracting firm, despite not having a licence to manage mining waste, continues to be in charge of managing drilling slurry for DPM's subsidiary. The slurry stored on Coka Rakita that was submitted for chemical analysis by our partners shows dangerously high concentrations of heavy metals. Equally, water analysed on the occasion of the slurry discharge incident, showed that drilling fluids are contaminated with high levels of Arsenic, Manganese and other heavy metals. Further adding to the ongoing pollution of Nature. **This is in breach of Articles 3.2, 4.1 and 7.1 as these waterstreams are home to Annex III protected crayfish.**

Continual endangerment of surface water ecosystems and protected species

The uncontrolled exploitation of water bodies continues to endanger the stone crayfish (*Austropotamobius torrentium*) protected by the Appendix III of the Bern Convention, which inhabits the areas where the water pumping sites are placed. In fact, the alteration of water bodies, which also happens when the water stream is significantly diminished or interrupted due to water extraction, is one of the key threats posed to this species.

Breaching Article 7.1 and potentially Article 8 of the Bern Convention.

Inadequate and missing monitoring, control and law and rules application

This long time ongoing lack of correct, or even **any** inspection oversight and associated efficient control and fulfilment of legal obligation with regard to securing environmental protection shows lack of will, interest, competency and total disregard by the government of Serbia of actual control of mining activities and with it, by extension, actual protection of Nature. **Breaching Bern Convention Articles 3.2, 4.1, 7.1**

In cases where there actually is an inspection visit, the laws are applied selectively, if at all. Case in point - when forced, through activists' pressure, to actually visit a site, the inspectors, despite noting that the drilling chemicals that are not compliant with the Serbian legislation and that 'have an impact on aquatic plants and fish',³ did not address this source of pollution or breach of law nor did he prescribe adequate sanctions or corrective actions. **Potentially breaching Articles 3.2, 7.1 and Article 8.**

³ Ministry for the Environmental Protection, Inspection record of 02.09.2024

https://drive.google.com/file/d/1cpatAiB6AEQKcZv8lVUUx7Kwtbb-vECS/view?usp=drive_link, p.4.

REPORT:**Continual drilling waste mismanagement**

In our 3rd Report, we documented extensive mismanagement of drilling slurry which resulted in soil and surface water pollution. This trend continues despite the fact that ad hoc inspections were effected by the Ministry for the Environmental Protection (on 28.08.2024), Ministry of Mining (on 11.12.2014) and the Republic Directorate for Waters in the period August-December 2024 in order to investigate some of these incidents.⁴ On the 16th July 2025 the local activists [reported](#) another episode of drilling slurry soil pollution: they are now awaiting the response of the relevant institutions.

In our 3rd Report, we also pointed out that the contractor (BMDBAU) in charge of managing drilling slurry for DPM's subsidiary *Crni Vrh (Black Peak) Resources doo* has no licence to manage mining waste. We also submitted a chemical analysis of the slurry stored on Coka Rakita that shows dangerously high concentrations of heavy metals. The drilling slurry can be contaminated due to the additives used or due to the contact with the drilled formation that can contain heavy metals.⁵ According to the Serbian legislation, drilling waste containing dangerous substances is classified as hazardous waste (code **01 05 06**) and as such it requires special treatment and disposal.⁶ CONTINUED IN ANNEX 1.

The [water analysis](#) performed on the occasion of the drilling slurry discharge incident from the 28.08.2024 ultimately confirms that the drilling fluids are indeed contaminated with heavy metals: the values of Iron, Arsenic and Manganese are increased and above the maximum permissible limits (PCV) in the sample taken downstream from the discharge spot.⁷

Continual endangerment of surface water ecosystems

The DPM drilling contractors continue to endanger aquatic ecosystems with their uncontrolled exploitation of surface water bodies, in violation of the [conditions issued by the Institute for Nature Conservation No. 03. 021 1737/4 of 29.05.2024 \(Conditions\)](#). On 23rd of June 2025, the local activists documented that the contractors failed to secure the biological minimum of the [Valja Saka stream](#) causing a complete [interruption of the water flow](#), which is contrary to the articles 31 and 32 of the Conditions.⁸ The flow was shortly re-established by the activists who dismantled the artificial

⁴ These inspections were triggered after the activists of the local NGO RIS repeatedly reported to the local police that DPM subcontractors were discharging drilling slurry in the environment and illegally extracting water from the local water bodies. The reported incidents took place between June and August 2024.

⁵ https://drive.google.com/file/d/1Bk32CLLUq79VAkCxXbk5H1H2Q2wb9R62/view?usp=drive_link, p.16.

⁶ <https://reg.pravno-informacioni-sistem.rs/api/Attachment/prilozi/437451/1.html> The "Catalogue of Waste" as per "Regulations on categories, analysis and classification of waste of 56/2010-18, 93/2019-232, 39/2021-5, 65/2024-21.

⁷ https://drive.google.com/file/d/1VgZBCLZg4WcRpNuFP4dKooBPrw59j67/view?usp=drive_link pp. 5-6: Arsenic (µg/L) - upstream: 2.5, downstream: 6.8, maximum permissible limits (PCV): 5: Iron (mg/l) - upstream : 0.33, downstream 0.71, maximum permissible limits (PCV): 0.2; Manganese (µg/L) - upstream: 17, downstream: 60 maximum permissible limits (PCV): 50
https://drive.google.com/file/d/1VgZBCLZg4WcRpNuFP4dKooBPrw59j67/view?usp=drive_link

⁸ https://drive.google.com/file/d/10Uy1yO2ix_N-2wTxE4w1HnLVbMvRs9U/view?usp=drive_link Art. 31 prohibits the complete interruption of the water flow; Art. 32 Requires that the minimal sustainable water flow is secured in order to secure the survival of the biocenosis and secure sufficient water for other users.

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accumulation built by the contractors, but the latter promptly reinstated it and continued water exploitation.

This uncontrolled exploitation of water bodies continues to endanger the stone crayfish (*Austropotamobius torrentium*) protected by the Appendix III of the Bern Convention, which inhabits the area where the water pumping sites are placed. In fact, the alteration of water bodies, which also happens when the water stream is significantly diminished or interrupted due to water extraction, is one of the key threats posed to this species.⁹ **This represents a breach of Article 7.1 and potentially Article 8 of the Bern Convention.**

CONTINUED IN ANNEX I 2.

Inadequate control and monitoring of DPM mining activities

The Serbian government's chronic failure to put in place an efficient inspection and monitoring process of DPM mining activities has not improved. According to the latest official information we obtained from the Ministry of Mining, since the DPM started operating in Serbia in 2004, the Ministry of Mining conducted only two inspections: one ad hoc inspection on Coka Rakita exploration licence in December 2024, and another routine inspection on Potaj Cuka Tisnica licence in October 2021.¹⁰ Neither found any irregularities nor prescribed any corrective actions. *Given the limited number of inspections, the authorities are still far from achieving the legal requirement of at least one inspection per year, per project.*¹¹ **This is in breach of the Bern Convention Articles 3.2, 4.1, 7.1**

Selective enforcement of legislation and regulations

When forced to act due to activists' reporting in Jun-August 2024 (see footnote 1), the inspectors from the Ministry of Environmental Protection and the Republic Directorate for Waters failed to properly investigate the incidents and to apply relevant rules and legislation. This allowed for the destruction of Nature and ecosystems to continue.

In the inspection report by the [Ministry for the Environmental Protection of 02.09.2024](#) the inspector acknowledged that all three drilling contractors (Geoxdrilling doo., Reflexdrilling doo. and Technofordrilling doo.) use chemicals that are not compliant with the Serbian legislation and that 'have an impact on aquatic plants and fish',¹² but he did not address this shortcoming nor did he prescribe adequate sanctions or corrective actions.

Similarly, he omitted to cite and apply the articles number 33 and 34 of the Conditions issued by the Institute for Nature Conservation regarding the protection of the water bodies' banks and beds.¹³ This resulted in the failure to address the infringement of these rules and the contractors' interference with the natural outlook and function of the banks and beds by building pump platforms, artificial accumulations and clearing of the vegetation in order to access and exploit the water. Resulting in

⁹ Threatened Species: the Stone Crayfish <https://www.ceeweb.org/article.php?id=746#>

¹⁰ https://drive.google.com/file/d/11d15p0hKYd4PkVCYL0BiaSm3hT4G1TR/view?usp=drive_link

¹¹ For the legal basis of inspection requirements of the DPM projects, please see our explanation and evidence in the 2nd Report.

¹² Ministry for the Environmental Protection, Inspection record of 02.09.2024 https://drive.google.com/file/d/1cpatAiB6AEQKcZv8IVUUX7Kwtbb-vECS/view?usp=drive_link, p.4.

¹³ https://drive.google.com/file/d/10Uy1yO2ix_N-2wTxE4wl1HnLVbMvRs9U/view?usp=drive_link Art. 33 prohibits activities that may lead to the disruption of the function and the outlook of the banks and their surroundings; Art. 34 prohibits activities that can disrupt the morphology of river beds.

harm to Nature.

This is in potential breach of Articles 3.2, 7.1 and Article 8.

For further details of this statement please refer to ANNEX I 3.

Systematic and systemic widespread Inadequate monitoring and control

In addition to what is already stated above in relation to particular incidents, we would like to emphasise here that insufficient capacities of inspection bodies is not unique to this particular case but is a widespread systematic and systemic occurrence.

This long time ongoing lack of correct, or even **any** inspection oversight and associated efficient control and fulfilment of legal obligation with regard to securing environmental protection shows lack of will, interest, competency and total disregard by the government of Serbia for actual control of mining activities and with it, by extension, actual protection of Nature. **This is in contravention of the Bern Convention Articles 3.2, 4.1, 7.1**

FURTHER EXPLANATION AND DETAILS IN ANNEX I 4.

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ANNEX I

1. From the inspection record issued by the [Ministry of Mining on 23.12.2024](#), we found out that according to the terms of the contract between *Crni Vrh Resources* and BMDBAU, the latter is contracted to deal with the disposal of non-hazardous waste alone.¹⁴ This ultimately confirms that BMDBAU does not possess the licence or facilities to safely treat or dispose of dangerous mining waste, i.e. drilling waste contaminated with heavy metals. However, from the description of the drilling slurry management given in the inspection report by the [Ministry for the Environmental Protection of 02.09.2024](#), we can learn that BMDBAU is disposing of it illegally. The report states that after the centrifugal separation of the liquids and solids, the solids are packed in plastic bags and disposed of in a landfill by a 'licenced firm'.¹⁵ This inappropriate disposal of contaminated drilling mud is a constant and immediate source of soil and water pollution as the heavy metals will inevitably leach into the environment.
2. The negative impacts of uncontrolled surface water exploitation is exacerbated by the increased frequency and prolonged episodes of drought and extreme heatwaves that the region has experienced in the past few years. Serbia is experiencing global warming at a higher rate than the global average: while the observed increase in the global average temperature is 1.1°C, Serbia is already at 1.8°C, and in the summer, it is as much as 2.6°C.¹⁶ According to [Mountain Adaptation Outlook for Carpathians \(2017\)](#), the Homolje Mts, which are integral part of southern Carpathians, will see a significant increase in temperature in the following decades (up to 2°C in the first half of the 21st century and up to 5°C in the second half of the century), as well as reduction in precipitation in summer months by up to -20mm per month.¹⁷ A similar forecast is given in Serbia's National Adaptation Plan for 2023 to 2030.¹⁸
3. The oversight or deliberate decision to ignore the Conditions issued by the Institute for Nature Conservation was perpetuated by the inspector Republic Directorate for Waters who investigated the same incidents.

In his [report](#) of 20.02.2025, after describing the corrective actions the contractors put in place to remediate the stream sections affected by the installation and prolonged use of water pumps, he declares that 'there is no need to initiate further legal procedures' as 'no activities that can affect the water regime or flora & fauna on the sites of inspection or in their proximity'.¹⁹ He came to this conclusion despite the fact that the remediation technique he described is clearly against the art. 33 of the Conditions as they involved additional modification of the outlook and function of the stream banks. Namely, the contractors, 'after removing the contaminated mud/slurry from the stream bed,

¹⁴ Ministry of Mining, Inspection record of 23.12.2024 https://drive.google.com/file/d/1E9yxhDoX-2Rx4KPvyNfWfMbaUqpKDVoo/view?usp=drive_link, p.3.

¹⁵ Ministry for the Environmental Protection, Inspection record of 02.09.2024 https://drive.google.com/file/d/1cpatAiB6AEQKcZv8IVUUX7Kwtbb-vECS/view?usp=drive_link, p.6.

¹⁶ Republic of Serbia, Climate Change Adaptation Programme for the period 2023-2030, pp. 23-4 <https://www.preventionweb.net/publication/serbia-climate-change-adaptation-programme-period-2023-2030>

¹⁷ Mountain Adaptation Outlook for Carpathians (2017), https://drive.google.com/file/d/1_Pwl5mumyKKYhvp8iM-o2TR1MTx2yUNC/view?usp=drive_link p. 13.

¹⁸ https://drive.google.com/file/d/14Vb7UtY_V-yy_CxRD674kSly2kah2Fly/view?usp=drive_link pp. 23-4

¹⁹ https://drive.google.com/file/d/1eNSPABDgBgs_6niegpN65MKZ9e9oFULT/view?usp=drive_link p.2.

covered the stream banks with a layer of crushed stone aggregate'.²⁰ This represents a permanent modification of the stream bank outlook and function as well as the introduction of material that was not naturally found on the site.

4. The government and relevant responsible bodies have not made an effort to set up adequate inspection oversight with efficient and thorough procedures despite the fact that there is currently around 150 exploration licences in Serbia that have been issued without any official Mining Strategy, as the government of Serbia has not made the basic effort to devise any - as confirmed by the Serbian government in response to the Bureau's query following our Second report. There are also around 300 active exploiting metal and non-metal fields in Serbia.

*"There are a large number of independent estimates on how many employees are missing from environmental protection jobs in Serbia — e.g. the Fiscal Council estimated in its report from 2018/15 that there was an urgent need even back then to hire at least several hundred employees to perform administrative and inspection tasks, prepare and implement projects, and transpose European directives into domestic legislation."*²¹

*"The Report on the work of the Environmental Protection Inspectorate indicates that **there is a need to increase the number of inspectors, improve working conditions, and provide the appropriate equipment in order to facilitate more efficient inspection work**"*²²

*"When it comes to challenges in the work of the Environmental Protection Inspectorate, the Report primarily highlights problems concerning the inspection oversight of environmental protection in local self-governments. It states that in 2023, 14 LSGs did not have a person in charge of environmental protection inspection work (which is an increase compared to previous year, when that number was 12), while in those LSGs that have such employees, they often perform other tasks as well, which is why they cannot fulfill their annual plans or have complete operational plans."*²³

5. BREACHES OF RIGHTS OF NATURE TO LIVE THRIVE AND EVOLVE NATURALLY

All of the above stated breaches of laws procedures and respect for living communities in the Homolje region as well the continuing expansion of not just mining activities but associated and independent road building, wind farms on top of forested biodiverse mountains, dams on the waterways constitutes continued and blatant breach or inherent and inalienable rights of Nature to live thrive and evolve and regenerate naturally without human caused harm. The principles and ethics upon which our Complaint against this mining project is based.

²⁰ https://drive.google.com/file/d/1eNSPABDgBgs_6niegpN65MKZ9e9oFULT/view?usp=drive_link p.2.

²¹ Koalicija 27, "Years Go By, We Stand Still" Shadow Report on Chapter 27 April 2023. -April 2024. Page 21 <https://www.koalicija27.org/wp-content/uploads/2024/12/K27-izvestaj-2024-EN.pdf>

²² Ibid., Page 48

²³ Ibid., Page 59

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Update on Complaint No. 2022/06: Serbia: Possible negative impact of mining activities in Bosilegrad and in the Homolje Mt region

4 August 2025

Abstract

*This report provides an update on Complaint No. 2022/06 on the Bosilegrad mine and asks the Standing Committee to open a file. The mine is not currently operational, however un-remediated tailings still pollute local waterways, breaching Article 4(1) of the Bern Convention. Approval for expansion of the mine was granted in July 2022 but only disclosed in August 2024. Serbia has failed to provide the environmental information repeatedly requested by the Claimants and the Committee, revealing persistent transparency gaps. Earth Thrive has commissioned new scientific research which was carried out in June 2025. The research recorded four threatened and vulnerable freshwater fish species, including the stone crayfish (*Austropotamobius torrentium*), which is protected under the Convention. The scientific report warns that restarting operations at the mine would endanger this biodiversity. Serbia's new Mineral Resources Strategy pledges to protect water quality and biodiversity, yet ongoing pollution in Bosilegrad and elsewhere and limited community engagement contradict these objectives. Environmental defender Branko Mitov continues to defend a meritless criminal case, which underscores risks faced by civil society. This report urges an inspection procedure, safeguards for environmental defenders, and prompt organisation of the proposed Oxford stakeholder workshop for early 2026.*

(1) Summary

The Complainants welcome the opportunity to provide an updated report on the Complaint for the attention of the Bureau following the first ordinary meeting of the Bureau of the Standing Committee on 8-10 April 2025. We consider that elevation of the matter to an open file would match the severity of the proven breaches of the Convention and assist in encouraging more proactive engagement by the Serbian Government. We re-attach at Annex I a proposal for themes to be covered in an event to be held for the benefit of the parties, which has been repeatedly requested by the Committee.

(2) Status of the mine and information requested,

Local environmental defenders report that the mine is not currently operational. We understand that this is not permanent and that Bosil-Metal d.o.o. is waiting to restart operations pending a decision from the Ministry of Environmental Protection regarding the Environment Impact Assessment Study. Toxic tailings and waste deposits remain at the mine as no remediation process has been carried out, in violation of local environmental law. This leads to continued water pollution from the tailings in breach of Article 4(1) of the Convention. The Complainants reiterate their call for an inspection procedure to minimise the environmental impact of waste and tailings in accordance with Article 3(2) of the Convention.

We have received information that Bosil-Metal d.o.o. was granted approval for the expansion of its mine by way of decision no. 310-02-00310/2021-02, made on 1 July 2022.²⁴ We understand that the Ministry of Mining and Energy only publicly updated its online portal to reflect this in August 2024, a delay of some two years.²⁵

In its letter of 15 May 2025, the Committee requested the following information from the Serbian

²⁴ Environmental Impact Assessment Study (February 2024) available at: https://www.ekologija.gov.rs/sites/default/files/inline-files/Studija_EIA_Bosil%20Metal_Feb_2024.pdf, page 33.

²⁵ Republic of Serbia, (2025) available at: <https://gis.mre.gov.rs/smartPortal/Srbija>.

Government: 1) water conditions issued 9 January 2025 for documentation on the expansion of the Bosil-Metal mine site; 2) the draft water management cooperation agreement between Bulgaria and Serbia and the EIA from 2 December; 3) the Ministry of Environmental Protection's decision on the EIA study corrected by Bosil-Metal; 4) the binding nature and any legal proceedings concerning the Institute for Nature Conservation's 30 January 2025 decision; 5) and results of the complaint for economic offence filed against Bosil-Metal on 12 November 2024. In order to assist the Committee, Earth Thrive submitted a formal information request to the Serbian Government seeking this information, however no response has been received. This is consistent with repeated failures of the Serbian Government to disclose relevant environmental information to key stakeholders and affected communities.

(3) Additional on site scientific testing

Earth Thrive and King's Legal Clinic commissioned additional scientific research regarding aquatic species at the site. The testing revealed the presence of species protected under the Bern Convention and other threatened species vulnerable to the pollution stemming from the mine. Field sampling was conducted by Vojislav Sokolović of the University of Belgrade on 26 June 2025. A survey of fish using the electrofishing method was conducted at Brankovačka River (42° 24' 59.52"N, 22° 29' 54.07"E). The survey identified the presence of four different species at the site, all of which are freshwater fish species.²⁶ The stone crayfish (*Austropotamobius torrentium*),²⁷ a species protected under Appendix III of the Bern Convention, was recorded at the site. The most abundant species observed in the study is *barbus strumicae*, which is classified under criteria B1b(iii) of the IUCN Red List as near threatened.²⁸ The *barbatula barbatula* was also identified, which is a species that is noted as being "very sensitive to pollution by heavy metals".²⁹

Earth Thrive considers that further expansion and continuation of activities at the mine would threaten the biodiversity present at water sites described in the scientific report. The report states that the "species inhabiting this type of habitat require clean, cold and well oxygenated water", which would be directly under threat if the mine were to recommence operations. If the mine resumes activity without adequate pollution monitoring and prevention measures in place, the scientific report concluded that the presence of the observed freshwater fish species would be threatened since "these fish species (as well as record[ed] stone crayfish) may be sensitive to pollution and habitat degradation".³⁰

(4) Government Mining Strategy and Commitments

The Serbian Government has published a notification under Article 3 of the Espoo Convention in light of the publication of the *Strategic Environmental Assessment of the Strategy for the Management of Mineral and Other Geological Resources of the Republic of Serbia for the Period from 2025-2040, with Projections Until 2050* ("SEA"). The SEA recognises the importance of environmental protection in commenting on the need to establish "a balance between economic development and environmental

²⁶ Sokolović, Vojislav, *Field Sampling Report*, June 2025.

²⁷ Appendix III – Protected Fauna Species of the Convention on the Conservation of European Wildlife and Natural Habitats Convention, available at: <<https://rm.coe.int/168097eb57>>.

²⁸ IUCN Red List, available at: <<https://www.iucnredlist.org/species/135507/137227019>>.

²⁹ *Barbatula barbatula* profile on FishBase, available at: <<https://www.fishbase.se/summary/Barbatula-barbatula>>.

³⁰ Ibid.

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impact”.³¹

The SEA’s objectives include “improving the quality of surface and groundwater” and “protecting natural resources and preserving biodiversity”.³² As we communicated in our last report, Professor Chadwick has identified clear impacts on water quality from toxic pollution flowing from the mine. He noted that increased fine sediments and elevated Pb levels downstream of the mine have “significant potential to negatively impact the aquatic biodiversity of the stream”.³³ It is therefore clear that ongoing mining activities in Bosilegrad fail to meet the objectives of the SEA and are a breach of Serbia’s obligations under the Espoo Convention.

Additionally, the general guidelines within the SEA state the importance of “the inclusion of the local community and relevant stakeholders in the decision-making process” and the need to “ensure transparent information for the local population about ... the measures being taken to protect the environment and space”.³⁴ As we have noted in multiple reports and reiterate here, the Serbian Government has failed to engage with Earth Thrive, key stakeholders and affected communities regarding the impact of mining in the Bosilegrad region.

(5) Targeting of environmental defenders and journalists

As we have highlighted in previous reports, local resident and environmental defender Branko Mitov has been prosecuted for visiting the mine site to monitor compliance with environmental standards. The Complainants are concerned about the integrity of the criminal process. A hearing is scheduled for 5 August 2025. We invite the Serbian Government to provide a summary of these proceedings at the Standing Committee meeting in December and to provide guarantees of fair treatment for environmental defenders.

³¹ Strategic Environmental Assessment of the Strategy for the Management of Mineral and Other Geological Resources of the Republic of Serbia for the period from 2025 to 2040, with projections to 2050 (2025), page 3.

³² Ibid, table 3.1, page 30.

³³ Complainant’s Fourth Report, available at: <<https://rm.coe.int/files-2022-6-serbia-mining-activities-bosilegrad-2025-comp/1680b4b632>> page 3.

³⁴ Strategic Environmental Assessment of the Strategy for the Management of Mineral and Other Geological Resources of the Republic of Serbia for the period from 2025 to 2040, with projections to 2050 (2025), pages 46-47.

Annex II – Proposed Event Themes and Venue

Following the 44th Meeting of the Standing Committee of the Bern Convention, the Secretariat reiterated its recommendation that the parties engage in an event focused on working towards respect for the Bern Convention. The Complainants repeat their offer to support the organisation of an event in Serbia with collaboration from King's College, London and the University of Oxford by hosting an event where suitably qualified legal, environmental and scientific experts could present and arrange a workshop on a number of issues central to the case.

The Complainants note the lack of progress on bringing an event forward to date and invite the Standing Committee to set a timetable for an event to be held in the first half of 2026. We note that this Annex was previously provided by the Complainants in February 2025.

It is suggested that the proposed event could cover the following topics:

- I. **Rights of Nature:** The Complaint alleges breaches of the Rights of Nature, and as such the parties may benefit from suitably qualified experts providing further information on the topic. The Government has received four Rights of Nature focused complaints and would stand to benefit from a greater understanding of its operation in the context of the Convention.
- II. **Criteria for Issuing Exploration Licenses:** Serbia has no fewer than 150 exploration licenses for mining, 96 for minerals and 54 for other purposes. Many of these licences directly infringe upon protected natural areas. It is suggested that the event discuss the need for more rigorous EIA processes governing the granting of such licences, and adequate planning and infrastructure regulations that enforce compliance with EU environmental obligations.
- III. **Consistent Monitoring and Remediation Measures:** The event could also aim to discuss how the Serbian Government can implement measures that allow for the monitoring and reporting of environmental damage as well as processes for remediation. The Serbian Government has been unable to prove compliance with its environmental obligations, suggesting an absence of such measures.
- IV. **Environmental Defenders and Public Participation:** Given the ongoing threats to environmental defenders, journalists and activists, the event may benefit from a focus on the importance of public participation in environmental decision making, anti-SLAPP laws, and best practice for protection of environmental defenders.

We welcome dialogue and engagement from the Standing Committee and the Serbian Government on potential topics to be covered in the event.

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Dear members of the Bureau,

18th February 2025

Bern Convention - Complaint No. 2022/06 - Possible negative impact of mining activities in Bosilegrad and in the Homolje Mt region

Fourth report

Thank you for the opportunity to contribute with our Report on the latest status of the mining activities in Bosilegrad and in the Homolje Mt region in Serbia

Please find below our 2 joint reports for the Spring 2025 meeting of the Bureau:

Bosilegrad case: King's College Legal Clinic, Harj Narulla of Doughty Street Chambers, Earth Thrive, Eko Krajiste and Balkanka organisations

(1) Summary

The Complainants welcome the opportunity to provide an updated report on the Complaint for the attention of the Bureau following the opportunity to present at the 44th Standing Committee Meeting on 2-6 December 2024. We consider that elevation of the matter to an open file would match the severity of the breaches of the Convention and assist in encouraging more proactive engagement by the Serbian Government. We attach at Annex I a proposal for themes to be covered in an event to be held for the benefit of the parties.

(2) Status of the mine

The Complainants seek confirmation from the Serbian government that mining activities will not be resumed. While local environmental defenders report that the mine does not currently appear operational, it is unknown whether this is temporary or permanent. Toxic tailings and waste deposits remain at the mine as no remediation process has been carried out, in violation of local environmental law. This leads to continued water pollution from the tailings in breach of Article 4(1) of the Convention.

The Complainants consider that there is a clear need to initiate an inspection procedure to establish the conditions on site and to take steps to minimise the environmental impact of waste and tailings in accordance with Article 3(2) of the Convention. The absence of clear Government monitoring and reporting makes international accountability difficult. The Complainants recall our earlier communications regarding the limitations of the Environmental Impact Assessment (“EIA”) and note that more than six months have passed since public objections to the EIA were made by various stakeholders. The Ministry of Environmental Protection is yet to make a decision on the EIA, and we would encourage the Ministry to reject the EIA as it will lead to further breaches of the Convention and local environmental laws.

(3) Scientific analysis of new expert report

(a) Professor Michael Chadwick’s report

As the Complainants noted at the 44th Standing Committee Meeting, we commissioned an updated expert report on conditions near the mine. Professor Michael Chadwick visited the affected rivers and

waterways on 11 November 2024 to obtain additional water samples and conduct sedimentary assessments to analyse their heavy metal content and determine the extent of pollution at affected areas. He provided a report on 26 November 2024 which detailed his methodology and findings.

- i. Professor Chadwick reported low levels of water metal concentrations (Al, Ba, Fe, Mn and Pb) upstream of the Bosil Metal mine to the levels downstream of the mine (at 4.6).
- ii. Professor Chadwick reported lower sediment metal concentrations of As, Cd, K, Mo, Pb, Rb, Sb, Sc, TH, U and Zn at the upstream site compared to the concentrations at the downstream site (at 4.13).
- iii. The upstream measurements were generally similar to concentrations at the nearby Below Ford site, which is also upstream of the Bosil Metal mine (at 4.5 and 4.12)
- iv. At the downstream site, fine sediments were observed at the bottom of the stream, which were absent at the upstream site (at 4.15 - 4.16). Professor Chadwick reported this to be “unusual” (at 5.1).
- v. These results strongly indicate a pollution source between the upstream and downstream sites (at 6.1). For the avoidance of doubt, we note the Bosil Metal mine is in between the upstream and downstream measurement sites.
- vi. Professor Chadwick reported that downstream Pb levels greatly exceed all reported guidelines; Cd levels were higher than Standard Organisation of Serbia and World Health Organisation guidelines for all sites; and Zn levels were greater than European Commission levels at all sites (at 5.3).
- vii. These findings were compared to a Serbian pollution classification scheme (Devifá, et al. 2016 for Cu, Zn, and Pb). At all sites, the values were greater than those reported for “low pollution zones”, and the downstream levels for Pb were much higher than values reported for the “high pollution zones” (by Devifá, et al. At 5.4).
- viii. Professor Chadwick concluded that the increased fine sediments at the downstream level and the elevated Pb levels are of concern and have the “significant potential to negatively impact the aquatic biodiversity of the stream” (at 6.2). He commented it is “clear that the processes/sources responsible for the transport of fine sediment located between the upstream and downstream sites should be identified and curtailed” (at 6.5).

In summary, the Complainants have shown that significant ongoing pollution is present at the site, in breach of the Convention and contrary to the February 2024 EIA assessment and statements of the Serbian Government. We invite the Standing Committee to open the file as a proportionate response to these ongoing breaches of the Convention.

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Following the 44th Meeting of the Standing Committee of the Bern Convention, the Secretariat reiterated its recommendation that the parties engage in an event focused on working towards respect for the Bern Convention. The Complainants repeat their offer to support the organisation of an event in Serbia with collaboration from King's College London and the University of Oxford by hosting an event where suitably qualified legal, environmental and scientific experts could present and arrange a workshop on a number of issues central to the case.

The Complainants note the lack of progress on bringing an event forward to date and invite the Standing Committee to set a timetable for an event to be held by the end of 2025.

It is suggested that the proposed event could cover the following topics:

- I. **Rights of Nature:** The Complaint alleges breaches of the Rights of Nature, and as such the parties may benefit from suitably qualified experts providing further information on the topic. The Government has received four Rights of Nature focused complaints and would stand to benefit from a greater understanding of its operation in the context of the Convention.
- II. **Criteria for Issuing Exploration Licences:** Serbia has no fewer than 150 exploration licenses for mining, 96 for minerals and 54 for other purposes. Many of these licences directly infringe upon protected natural areas. It is suggested that the event discuss the need for more rigorous EIA processes governing the granting of such licences, and adequate planning and infrastructure regulations that enforce compliance with EU environmental obligations.
- III. **Consistent Monitoring and Remediation Measures:** The event could also aim to discuss how the Serbian Government can implement measures that allow for the monitoring and reporting of environmental damage as well as processes for remediation. The Serbian Government has been unable to prove compliance with its environmental obligations, suggesting an absence of such measures.
- IV. **Environmental Defenders and Public Participation:** Given the ongoing threats to environmental defenders, journalists and activists, the event may benefit from a focus on the importance of public participation in environmental decision making, anti-SLAPP laws, and best practice for protection of environmental defenders.

We welcome dialogue and engagement from the Standing Committee and the Serbian Government on potential topics to be covered in the event.

Homolje Mt Region case: Earth Thrive, Cuvari Homolja, Mlavaska Vojska & Earth Law Center organisations

18th February 2025

Breaches of the Bern Convention

Article 3.2 breach

In Serbia currently there are 150 mining exploration licences covering the length and breadth of the country. Given the high biodiversity of Nature throughout Serbia, it is highly likely that those licences and possible mines are heavily impinging on the protected species and habitats. Especially as the impacts of the mining activities, under which exploratory drilling very much falls, do not stop at the

boundaries of those activities but are felt very far afield. Furthermore, at the 43rd Meeting, noting the Complainant's concern with the expansion of the mining in Serbia, the Bureau asked the authorities to provide a brief and clear explanation of which measures were in place under the Serbian legislative framework for Nature protection with reference to EIAs and if a nationwide strategy on the usage of mineral resources existed. In their reply, the government never addressed the first question, and with regard to the national mining strategy - the response was - 'We do not have one'

We would like to argue that such practice and the apparent laissez-faire attitude by the relevant governmental bodies go against Article 3.2 which states: *Each Contracting Party undertakes, in its planning and development policies and in its measures against pollution, to have regard to the conservation of wild flora and fauna.*'' as it is clear that the Serbian government not only does not have a mining strategy and policy as the basis upon which the licences are issued and which would include and ensure the measures or protection of the wild flora and fauna and against pollution, but is obviously not paying regard to the conservation requirements of the areas protected under the Bern and many other conventions and laws that the Serbian government has committed to, illustrated by such high number of exploration licences and without the apparent, or any legal or environmental criteria for the issuing of the same.

On the same basis we would like to argue potential breaches of Article 4.2 as well.

Further potential breaches of the Articles 3.2 and 4.2 in the points below.

Update and developments of the DPM exploration operations:

In their Pre Feasibility Study - PFS of December 18, 2024, Dundee Precious Metals had addressed, albeit superficially, some environmental issues regarding the Coka Rakita project. DPM's chosen mining method for this project is 'sublevel long-hole open stoping', whereby 'most stopes will be filled with paste, but cemented rock fill and uncemented rock fill will be used where the sequence permits.'³⁵ DPM has also resumed drilling on their Potaj Cuka licence.

The threat of pollution to surface water and groundwater due to karstic character of the stone hosting the ore deposit

The PFS states that the 'host rock of the deposit is a calcareous clastic sedimentary rock, with mineralisation occurring in skarn-altered calcareous sandstone'.³⁶ This represents a serious threat to Mlava River, a strictly protected category I natural monument and proposed Emerald site river, and to Tisnica River canyon, which is part of the Mlava River watershed, as well as part of the National Park Kučaj – Beljanica, a future Emerald site. Elaboration on this point is in Annex II point 1

In 2024, DPM commissioned baseline surveys of the project area which confirms the relevance of the area for biodiversity (**the list of species could be found here**). The surveys established that the presence of IUCN Red List Vulnerable species and species listed in Annex II and Annex IV of the Habitat

³⁵ [NI 43-101 Technical Report, Čoka Rakita Project, Pre-Feasibility Study, Eastern Serbia, Effective Date: December 18, 2024, Report Date: January 30, 2025, p. 13](#)

³⁶ [NI 43-101 Technical Report, Čoka Rakita Project, Pre-Feasibility Study, Eastern Serbia, Effective Date: December 18, 2024, Report Date: January 30, 2025, p. 13](#)

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Directive meet the current criteria for EBRD priority biodiversity features and critical habitat.³⁷ These habitats are already seriously threatened due to the exploration activities as the Serbian government has not put any effective mechanisms and resources in place to ensure the species are protected. Apart from the Conditions for the protection of Nature during exploration activities (the latest we are aware of is document number 03 021-171/5 from 9 February 2023) issued by the Institute for Nature Conservation of Serbia, the government has not applied any other mechanisms to protect the natural habitats of the area.

Continual governmental lack of monitoring and control

Even when the government is forced to intervene due to local activists' reporting the infringement of the aforementioned Conditions to the police, the legal procedures are slow and there is no meaningful communication with the parties of interest as to their progress. For instance, the legal procedures regarding the discharge of the drilling slurry in the environment that took place in August 2024 (please see our 3rd report for details), have not progressed. The last communication from the Ministry for Protection of the Environment took place on 25/11/2024 stated that the procedure halted because DPM has not yet submitted the soil and sample results of the areas affected by the spillage.

In the meantime, DPM continues to infringe the Conditions for the protection of Nature during exploration activities as documented by recent visits to the exploration sites. There is evidence of drilling slurry discharge in the environment, but also other infringements like changing the morphology of the water bodies banks or leaving general waste such as hundreds of meters of plastic pipes behind.

Furthermore, according to the Serbian Law on mining and geological exploration, a geological inspector is required to regularly conduct an oversight and inspect whether the geological/mining explorations are conducted in line with the law. Meaning, that if Dundee / Avala / Crni Vrh had been exploring in Homolje since 2006, there would have had to have been a series of inspection oversight and visits to the sites till now.

If the inspections were carried out correctly, and given that the illegal disturbances of protected Nature have already been recorded by the activists, the inspection reports could potentially show disturbances of the wild fauna species under the special protection specified in Appendix II- potentially resulting in breaches of **Articles 6.b and 6.c** - possibly in relation to the migratory birds, in particular white goose whose presence in the region was especially noted in our previous Report - which could also potentially be in breach of **Article 4.3**, but also other protected species - also mentioned in our previous Report, as evidenced by the local activists.

As that information is not readily available, we have asked the Ministry of Mining to furnish us with the information on how many and on what dates did the inspector conduct the oversight, and to send us the records of those inspections so we can have an insight of the results and conclusions of those inspections. As the Ministry of Mining failed to respond within the legal timeframe of 15 days, which they were required to do, we have now written to the Ombudsman to instruct the Ministry to respond to our request. The Ombudsman has 60 days to reply to us.

ANNEX II

³⁷ [NI 43-101 Technical Report, Čoka Rakita Project, Pre-Feasibility Study, Eastern Serbia, Effective Date: December 18, 2024, Report Date: January 30, 2025, p. 31](#)

1. The water bodies of the area consist of a complex and interconnected karst underground aquifers and karst groundwater features which are still not fully investigated and understood. The pollution of karst water bodies as a result of mining activities is inevitable, as shown by a study of karst springs near Majdanpek mine (owned by the Chinese ZiJin), which is situated about 20 km north in a straight line distance from the Coka Rakita project. The study ‘confirmed very poor and even hazardous water quality’ of surveyed springs and it ‘registered concentrations of some ions, such as Fe²⁺, Mn²⁺, Ca²⁺, SO₄²⁻, high above maximal permitted level for potable water in Serbia.’

High turbidity rate also confirmed impact of colloidal suspensions from the tailing.³⁸ As a karst spring, the Mlava spring is already under serious threat from global warming: a recent study estimates that by the end of the century, the spring will be dry for most of the year.³⁹ The Serbian government should put measures in place to protect the watershed of the River Mlava, which is one of the major rivers in the area and a tributary of the river Danube, rather than allowing mining projects which further threaten its survival.

Broader environmental risks: habitats and species

The mine will have a negative impact on the broader water system of the area and its biodiversity affecting the watershed of the River Pek, another tributary of the river Danube. The PFS states that the constructed sitewide water balance indicates that the site will have ‘positive water balance even during dry years’, and that this is ‘primarily due to the expected large volume of water influx to the underground workings’.⁴⁰ However, it also recognises likely negative impacts on local water system as ‘rivers may potentially be impacted by dewatering, diversions and discharges, and permanent infrastructure will overlies several hundred metres of river channel within the headwaters of the Ogašu Lu Gjori and Dumitrov Streams and adjacent tributary valley, within the Lipa River catchment.’ As well as this, ‘the key risks are around surface water and groundwater during operation and especially in the closure phase, the impact from loss of several hundred metres of riverine habitat and consequently on biodiversity, dewatering and diversions during operations affecting springs, wells and streams, including in adjacent catchments to the south [...]’⁴¹

The negative effects due to dewatering, noise and air pollution are inevitable within the National Park Kučaj – Beljanica (future Emerald site) given its proximity to the project: 3 km southwest of the mineral resource (at surface) and 5 km from the nearest project infrastructure.

2. Evidence of governmental failure to comply with international environmental laws which is also having an impact in the Homolje region:

‘The lack of harmonization of domestic regulations with the European Union legislation is evident in the example of the protection of species in accordance with the Birds Directive. Additional efforts are

³⁸ [Zoran Stevanović, Veljko Marinović, Branislav Petrović, Hazardous substances in karst aquifer waters - one of the results of the operational monitoring of groundwater in Serbia GEOLOŠKI ANALI BALKANSKOGA POLUOSTRVA Volume 81 \(2\), December 2020, 49–61, p.49](#)

³⁹ [V. Vakanjac, S. Milanović et al. UTICAJ KLIMATSKIH PROMENA NA VODNE RESURSE: PRIMER SLIV REKE MLAVE, ZBORNIK RADOVA III Kongres geologa Bosne i Hercegovine, September 2023.](#)

⁴⁰ [NI 43-101 Technical Report, Čoka Rakita Project, Pre-Feasibility Study, Eastern Serbia, Effective Date: December 18, 2024, Report Date: January 30, 2025, p. 22](#)

⁴¹ [NI 43-101 Technical Report, Čoka Rakita Project, Pre-Feasibility Study, Eastern Serbia, Effective Date: December 18, 2024, Report Date: January 30, 2025, p. 30](#)

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necessary to permanently protect a large number of bird species that are now considered wild game, and whose populations in Serbia are threatened.”⁴²

“The lack of harmonization of domestic regulations with EU legislation can be illustrated by the protection of species in accordance with the Birds Directive. Additional efforts must be made to permanently protect a large number of bird species that are now considered hunting game⁴³, and whose populations in Serbia are threatened. Among them are the white-breasted goose (lat. Anser fabalis^{44 45}), whose global population has experienced a decline of almost 80%, and is designated as a critically endangered species (CR) on the national Red List. Permanent protection is also needed for the red-headed duck (lat. Aythya ferina) and the mallard (lat. Anas querquedula), whose numbers are declining globally and regionally. In Serbia they both have the status of an endangered species (EN)”⁴⁶ ‘

3. Recommendation of the Carpathian Convention

At the 7th Meeting of the Conference of the Parties to the Carpathian Convention, which was held in Belgrade in October 2023, the Ministerial Declaration⁴⁷ was adopted, as well as a series of decisions that would facilitate the implementation of this framework convention. The Republic of Serbia will preside over the Convention for the next three years. ⁴⁸

Forest ecosystems represent a valuable resource in the Carpathians, which preserves a wealth of ecological, economic and cultural values. At the meeting, the Risk Assessment of Climate Change and Opportunities for Adaptation of Carpathian Forest Ecosystems and Their Services was presented. Another event that marked COP7 was the establishment of the Inventory of Carpathian virgin forests, which the ministers described in their official declaration as "a key step towards strengthening the protection of some of the remaining primeval forests in Europe", further calling for the "expansion of the Inventory so that, in addition to virgin forests, it includes other forests of similar status".⁴⁹

It is also vital to note that the members of the Carpathian Convention, which includes Serbia, adopted the Carpathian Biodiversity Framework (CBF) in October 2023. The Carpathian region is the first convention to adopt a regional biodiversity framework. It is vital to the local-level implementation of the Kunming Montreal Global Biodiversity Framework and will serve as a model for other regional

⁴² Coalition 27. “Shadow Report on Chapter 27.” April 2023.- April 2024.

<https://www.koalicija27.org/wp-content/uploads/2024/12/K27-izvestaj-2024-EN.pdf> Page 133. 27.01.2025. 10:30

⁴³ <https://pticesrbije.rs/wp-content/uploads/Detlic-12-umanjena-verzija.pdf> page 8. 27.01.2025.

⁴⁴ http://demo.paragraf.rs/demo/combined/Old/t/t2015_06/t06_0283.htm DURATION OF THE HUNTING SEASON ON THE HUNTING SEASON OF PROTECTED GAME SPECIES

⁴⁵ Mentioned in the following international legal instruments and agreements: EU Birds Directive, Bern Convention (III), Bonn Convention (II), AEWA

⁴⁶ Coalition 27. “Shadow Report on Chapter 27.” April 2022.- April 2023.

<https://www.koalicija27.org/wp-content/uploads/2023/10/K27-izvestaj-2023-EN-web.pdf> page 87. 27.01.2025.

⁴⁷ https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww.carpathianconvention.org%2Fcop7%2Fdocs%2Fofficialdocuments%2FCC%2520COP7%2520DOC7_Carpathian%2520Biodiversity%2520Framework_FINAL.docx&wdOrigin=BROWSELINK

⁴⁸ Coalition 27. “Shadow Report on Chapter 27.” April 2023.- April 2024.

<https://www.koalicija27.org/wp-content/uploads/2024/12/K27-izvestaj-2024-EN.pdf> page 138

⁴⁹ <https://serbia.un.org/sr/249186-karpatska-konvencija-obele%25BEava-20-godi%25A1njicunovim-okvirom-za-biodiverzitet-i-progla%25A1enjem>

mechanisms.

Given that the proposed gold mine and the already occurring mining activities - exploratory drillings, currently standing at above 1,500, with all the associated operations and resulting disturbances to Nature, are situated within the Carpathian bioregion and therefore covered by the Carpathian Convention, and given the fact that the proposed mine would lead to the widespread cutting of trees and vast forest and other regional ecosystems disturbances, it is clear that the allowing continuation and/or expansion of the mining activities flies in the face of the provisions in the Carpathian Convention, the recommended expansion of the Inventory in the said region and does not allow for the real implementation of the KM GBF