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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

New complaint: 2025/01

**Alleged threat to habitat and protected species due to the
construction of „Studenica S4-Gradina” hydropower
plant on the Studenica River (Serbia)**

- GOVERNMENT REPORT -

*Document prepared by the
Ministry of Environmental Protection, Serbia*

Update Report dated July 2025

Republic of Serbia
MINISTRY OF ENVIRONMENTAL
PROTECTION

No: 002211897 2025 14850 004 007 020 092

Date: 25.07.2025

Council of Europe
Directorate General of Democracy
Secretariat of the Bern Convention
F-67075 Strasbourg, France
Mr. Mikaël POUTIERS,
Secretary of the Bern Convention

Subject: Report on Complaint No. 2025/01: New Complaint: Serbia: Alleged threat to habitat and protected species due to the construction of „Studenica S4-Gradina” hydropower plant on the Studenica River

With regard to the request from the Secretariat of the Bern Convention dated 15 May 2025 concerning Complaint No. 2025/01: New complaint: Serbia: Alleged threat to habitat and protected species due to the construction of „Studenica S4-Gradina” hydropower plant on the Studenica River, the Ministry of Environmental Protection, in its capacity as the competent authority monitoring the implementation of the Bern Convention for the Republic of Serbia, submitted Request No. 002211897 2025 14850 004 007 020 092 dated 27 May 2025 for a statement to the competent authorities and organizations, namely: the Ministry of Construction, Transport and Infrastructure, the Ministry of Mining and Energy, the Ministry of Agriculture, Forestry and Water Management - the Republic Water Directorate, the Agency for Spatial and Urban Planning of the Republic of Serbia, the Institute for Nature Conservation of Serbia, and the City Assembly of Kraljevo, including the relevant sectors of the Ministry of Environmental Protection.

Based on the responses received from the aforementioned authorities and organizations regarding the complaint related to the alleged threat to the habitat and protected species by the construction of the Gradina S4 hydropower plant on the Studenica River, we hereby inform you of the following:

1. The allegations stated under question No. 1, claiming that the Republic of Serbia has violated Article 3 and Article 4, paragraphs 1, 2, and 3 of the Bern Convention, as well as Recommendation No. 157 (2011) of the Standing Committee, by planning the construction of the „Gradina S4” hydropower plant with a capacity of 2,160 kW on the Studenica River, are incorrect, for the following reasons:

1) **The Agency for Spatial and Urban Planning of the Republic of Serbia** has informed us that, following the Regulation on the adoption of the Spatial Plan for the Special Purpose Area of the „Golija” Nature Park (Reference Map No. 4 - Planned land use with special purpose zones, scale 1:50,000) („Official Gazette of RS”, No. 16/09), and following the new Regulation on the proclamation of the “Golija” Nature Park („Official Gazette of RS”, No. 88/24), the scope of this **Urban Planning Project does not fall within the boundaries of the protection regime of the „Golija” Nature Park.**

The Urban Planning Project was not developed contrary to the provisions of Article 60, paragraph 2 of the Law on Planning and Construction. It was also pointed out that the eastern boundary of the „Golija-Studenica” Biosphere Reserve - MAB coincides with the boundary of the protection regime of the “Golija” Nature Park, and that the area covered by this Urban Planning Project does not fall within the boundaries of the Nature Park or the protection regimes of Level I, II, or III of nature protection and special natural values, nor within the boundary of the „Golija-Studenica” Biosphere Reserve - MAB.

2) **The Ministry of Environmental Protection** has informed that, with regard to the environmental impact assessment, no request concerning the aforementioned project has been submitted to date under the Law on Environmental Impact Assessment („Official Gazette of the RS”, Nos. 135/04 and 36/09) or the Law on Environmental Impact Assessment („Official Gazette of the RS”, No. 94/2024).

2. Regarding question No. 2 concerning the claim of potentially endangered species or habitats listed in the appendices of the Bern Convention, we inform you of the following:

1) **The Institute for Nature Conservation of Serbia** reported the following:

FLORA AND HABITATS: In the database of the Institute for Nature Conservation of Serbia, there are no data indicating the presence of flora or habitats listed in the complaint. In any case, the habitats with codes H2.5, H2.6, E5.4, and E2.2 are not typical of gorges of this type.

INVERTEBRATES: According to the database of the Institute for Nature Conservation of Serbia, no records exist for the invertebrate species listed in the complaint. Furthermore, it is noted that the natural habitats of all referenced species are forests, meadows and wet meadows, and not the gorge area in question.

FISH: Neither the database of the Institute for Nature Conservation of Serbia, nor the Fisheries Management Programmes for the „Ibar” fishing area and the „Golija” Nature Park contain data on the presence of the fish species listed in the complaint—namely, the European bullhead (*Cottus gobio*) and zingel (*Zingel spp.*)—in the Studenica River basin or the wider area of the Ibar River into which it flows. Multi-year field research conducted within the

Studenica River basin as part of the revision of the Protection Study for the „Golija” Nature Park did not record the presence of these species. The site in question does not constitute their natural habitat. Conversely, the presence of the Danube barbel (*Barbus balcanicus*), a widely distributed species across Serbia, was confirmed; this species is not endangered at the location in question.

HERPETO- AND BATRACHOFAUNA: Among the herpetofauna in the Studenica River, the yellow-bellied toad (*Bombina variegata*) and the Caspian whipsnake (*Dolichophis caspius*) have been recorded.

BIRDS: The database of the Institute for Nature Conservation of Serbia contains no records of the bird species cited in the complaint for the specific area designated for the „Gradina S4” hydropower plant. It is further noted that the listed species utilize the broader surrounding area, rather than the immediate project site.

MAMMALS: In the database of the Institute for Nature Conservation of Serbia, there are no records of the mammal species listed in the complaint. The area in question is not a natural habitat for *Ursus arctos*, *Canis lupus*, and *Vormela peregusna*, and they may only pass through that area occasionally. According to available data, there is no relevant evidence so far of the presence of the bat species mentioned in the complaint - *Rhinolophus euryale*, *Rhinolophus ferrumequinum*, *Myotis emarginatus*, *Myotis myotis*, and *Rhinolophus hipposiderus* - even in the wider area surrounding the location in question. These species mainly inhabit cave environments, which have not been identified at the location. The presence of the Eurasian otter (*Lutra lutra*) has been recorded.

Of all the species listed in the complaint, only the presence of the Danube barbel (*Barbus balcanicus*), the yellow-bellied toad (*Bombina variegata*), the Caspian whipsnake (*Dolichophis caspius*), and the Eurasian otter (*Lutra lutra*) has been reliably confirmed.

3. Regarding question No. 3 concerning the possible negative impacts on the species/habitat(s) in question, we inform you of the following:

1) **The Institute for Nature Conservation of Serbia** has indicated that the construction of the proposed dam and the formation of a reservoir upstream would alter the fundamental characteristics of the environment and the surrounding area of the Studenica River. These changes include modifications to the physico-chemical properties of the aquatic ecosystem and shifts in microclimatic conditions. Such transformations may influence the qualitative composition of biological communities and disrupt the quantitative relationships among biodiversity elements. The scope and nature of these impacts must be thoroughly examined and presented in an Environmental Impact Assessment Study, which will serve as the basis for drawing informed conclusions.

4. Regarding question No. 4 on potentially endangered species or habitats falling under other international agreements, we inform you of the following:

1) **The Institute for Nature Conservation of Serbia** stated that the area of the planned Gradina S4 hydropower plant is not located within a protected area for which a protection procedure has been conducted or initiated in accordance with the Law on Nature Protection,

nor is it part of ecologically significant areas in accordance with the Regulation on the Ecological Network of the Republic of Serbia.

The area designated for the planned „Studenica S4 – Gradina” small hydropower plant does not fall within an Emerald site, in accordance with the Law on the Ratification of the Convention on the Conservation of European Wildlife and Natural Habitats („Official Gazette of the RS – International Treaties”, No. 102/07).

These species are listed in the Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora:

- **FISH:** Annexes II and V - Danube barbel (*Barbus balcanicus*);
- **HERPETO- AND BATRACHOFAUNA:** Annex II - yellow-bellied toad (*Bombina variegata*); Annex IV - yellow-bellied toad (*Bombina variegata*), Caspian whipsnake (*Dolichophis caspius*);
- **MAMMALS:** Annexes II and IV – Eurasian otter (*Lutra lutra*).

5. Regarding question No. 5 on ongoing procedures being conducted at the national level concerning the subject of this complaint, we inform you of the following:

- 1) **The Ministry of Construction, Transport and Infrastructure** informed that the Ministry had received a request for expert review of the Urban Planning Project for the construction of the SHPP „Studenica S4 - Gradina” on the Studenica River and forwarded it to the competent authority - the Agency for Spatial and Urban Planning of the Republic of Serbia, in accordance with Article 166 of the Law on Planning and Construction („Official Gazette of RS”, Nos. 72/2009, 81/2009 correction, 64/2010 - CC decision, 24/2011, 121/2012, 42/2013 - CC decision, 50/2013 - CC decision, 98/2013 - CC decision, 132/2014, 145/2014, 83/2018, 31/2019, 37/2019 - other law, 9/2020, 52/2021, and 62/2023).
- 2) **The Agency for Spatial and Urban Planning of the Republic of Serbia** stated that the planning basis for the development of the Urban Planning Project is the Spatial Plan of the City of Kraljevo („Official Gazette of the City of Kraljevo”, No. 7/11), with defined rules for the construction of small hydropower plants outlined in section 4.3.10 of the textual part of this planning document. The reason for developing this Urban Planning Project is the urban-architectural-engineering elaboration of the location for the construction of the SHPP „Studenica S4 - Gradina,” which includes the appropriate hydro-technical and civil engineering structures used for water conveyance and housing of equipment for the transformation of kinetic into electric energy, while respecting the ecological balance, the ecological function of the watercourse, and the living organisms within it.

As part of the development of this Urban Planning Project, the following conditions and opinions have been recorded and attached as integral elements of this urban-technical document:

- **Conditions for the design and connection of the electricity generation facility** for the Gradina S4 small hydropower plant in the settlement of Kamenjani, Ušće, City of Kraljevo, issued by the Distribution System Operator EPS „Distribucija” LLC Belgrade - Branch Power Distribution Kraljevo - Raška Unit, Condition No: 20700-D0909. 143742/1 dated 13 July 2021, and Opinion No. 10908-42958/1-924 dated 1 February 2024;

- **Opinion on the Feasibility Study** for five planned and one completed hydropower plant on the Studenica River, issued by the Public Water Management Company „Srbijavode” Belgrade, No. 1197/1 dated 22 May 2015, stating:
The Feasibility Study for five planned and one completed small hydropower plant (SHPP) on the Studenica River, developed by „Energoprojekt-Hidroinženjering” JSC in April 2015 under contract No. 15004-201, was prepared in accordance with the Spatial Plan of the City of Kraljevo („Official Gazette of the City of Kraljevo”, No. 07/11);
- **Technical conditions for the construction** of “SHPP Studenica-S4 Gradina” on the Studenica River, issued by „Telekom Srbija”, Telecommunications Company LLC Belgrade, 2 Takovska Str, Directorate for Technology, Access Network Sector, Network Planning and Construction Department Kragujevac, No. 516751/2-2024 VČ dated 21 November 2024;
- **Decision on nature protection conditions**, 03 No. 021-3589/2 dated 17 February 2022, issued by the Institute for Nature Conservation of Serbia;
- **Opinion on the fulfillment of nature protection conditions** for the construction of SHPP „Studenica-S4 Gradina” on the Studenica River, City of Kraljevo, 03 No. 020-3589/5 dated 10 July 2023, issued by the Institute for Nature Conservation of Serbia;
- **Notification from the Institute for Nature Conservation of Serbia**, 03 No. 021-3589/7 dated 30 January 2025;
- **Conditions for the development of the Urban Planning Project** for the construction of SHPP „Studenica-S4 Gradina” on the Studenica River, Kraljevo, issued by the Institute for the Protection of Cultural Monuments, Kraljevo, No. 1240/2 dated 22 November 2021 and Opinion No. 46/2 dated 29 January 2025;
- **Conditions regarding fire protection measures**, issued by the Ministry of the Interior of the Republic of Serbia, Sector for Emergency Situations, Department for Emergency Situations in Kraljevo, No. 09.16.1 No. 217-6663/22 dated 26 April 2022;
- **Conditions issued by the Public Utility Company „Vodovod” Kraljevo**, No. 3786/1 dated 16 January 2023 and Opinion No. 53/1 dated 17 January 2025; and
- **Statement issued by the Ministry of Defence of the Republic of Serbia**, Infrastructure Directorate, No. 2587/2 dated 6 March 2023.
- **The Commission for Expert Review of the Urban Planning Project** for the construction of SHPP “Studenica S4 - Gradina” on the Studenica River, City of Kraljevo, was formed by Decision of the Minister of Construction, Transport and Infrastructure, No. 001093302 2024 14810 006 001 000 001 dated 22 April 2024, and the session was held on 9 December 2024 at the premises of the Agency for Spatial and Urban Planning of the Republic of Serbia.
- Following the actions taken by the developer of this Urban Planning Project in response to the comments and suggestions made by the members of the Commission, as recorded in Report No. 863/2024-06 dated 16 December 2024, the Agency for Spatial and Urban Planning of the Republic of Serbia confirmed that the developer had acted accordingly, and the Agency issued a **Confirmation of the Urban Planning Project** for the construction of SHPP „Studenica S4 - Gradina” on the Studenica River, City of Kraljevo, Confirmation No. 863/2024-06 dated 28 March 2025.

2) **The Ministry of Mining and Energy** has informed that it has not adopted any act related to the procedure for the construction of the Gradina S4 hydropower plant on the Studenica River, with an installed capacity of 2,160 kW.

3) **The Ministry of Agriculture, Forestry and Water Management - Republic Water Directorate** has informed that it has not issued any water-related permits for the construction of the Gradina S4 hydropower plant on the Studenica River, given that, in accordance with the **Law on Waters** („Official Gazette of RS”, Nos. 30/2010, 93/2012, 101/2016, 95/2018, and 95/2018 - other law), water permits for facilities up to 10 MW are issued by the **public water management enterprise**, whose conditions are included in the documentation of the **Agency for Spatial and Urban Planning of the Republic of Serbia** and presented in this Report.

4) **The City Assembly of Kraljevo** has informed that it has not received a request to decide on the need to conduct an environmental impact assessment study for the construction of the Gradina S4 hydropower plant on the Studenica River.

Copies of the above-mentioned documents, along with their English translations, are attached to this Report.

While awaiting your response, we would like to express our sincere appreciation to the Bureau for its thoughtful and high-level consideration of this Report.

Sincerely,


MINISTER
Sara Pavkov

Annex 1: Report by the Ministry on Construction



Republic of Serbia
MINISTRY OF CONSTRUCTION,
TRANSPORT
AND INFRASTRUCTURE

No: 002505092 2025 14810 006 000 000 001

Date: 18.06.2025

22-26 Nemanjina Str

MINISTRY OF ENVIRONMENTAL PROTECTION

1 Omladinskih brigada Str
11000 Belgrade

SUBJECT: Request for a report regarding Complaint No. 2025/01: New Complaint: Serbia: Alleged threat to habitat and protected species due to the construction of the “Gradina S4” Hydropower Plant on the Studenica River

Dear Sir or Madam,

In your letter No. 002211897 2025 14850 004 007 020 092, you submitted a Request for an opinion regarding Complaint No. 2025/01: New Complaint: Serbia: Alleged threat to habitat and protected species due to the construction of the “Gradina S4” Hydropower Plant on the Studenica River, which the Ministry received from the Secretariat of the Bern Convention on 15.06.2025.

We hereby inform you that a request for expert oversight of the Urban Planning Project for the construction of the HPP “Studenica S4 - Gradina” on the Studenica River, near the City of Kraljevo, No: 350-01-00751/2023-11 on 30.03.2023, has been submitted to the Ministry of Construction, Transport, and Infrastructure.

Following the amendments to the Law on Planning and Construction from 2023, which came into force on 04.08.2023 (Law on Planning and Construction, “Official Gazette of RS”, No. 72/2009, 81/2009 - correction, 64/2010 - decision of CC, 24/2011, 121/2012, 42/2013 - decision of CC, 50/2013 - decision of CC, 98/2013 - decision of CC, 132/2014, 145/2014, 83/2018, 31/2019, 37/2019 - other law, 9/2020, 52/2021 and 62/23) the Agency for Spatial and Urban Planning of the Republic of Serbia has been established. Article 166g of the Law defines the competences of the Agency, stating that the Agency "conducts expert review of spatial and urban planning documents, and verifies the compliance of planning documents within the

jurisdiction of the Republic or the autonomous province, as delegated tasks in accordance with the law and regulations adopted based on the law."

Following the information above, the Agency for Spatial and Urban Planning of the Republic of Serbia confirmed the referenced Urban Planning Project by Confirmation No. UPP ASUPRS No. 863/2024-06 dated 28.03.2025.

Sincerely,

MINISTER
Aleksandra Sofronijević

Annex 2: Report by the Republic Water Directorate



Republic of Serbia
MINISTRY OF AGRICULTURE, FORESTRY
AND WATER MANAGEMENT

- Republic Water Directorate-
No: 002558705 2025 14843 001 000 325 032
Date: 12 June 2025
Belgrade

MINISTRY OF ENVIRONMENTAL PROTECTION

BELGRADE, 1 Omladinskih brigada Str.

SUBJECT: Report request regarding Complaint No. 2025/01: New complaint – Serbia: Alleged threat to habitat and protected species due to the construction of the “Studenica S4-Gradina“ hydropower plant on the Studenica River

Dear Sir or Madam,

Pursuant to the request submitted to the Ministry of Agriculture, Forestry and Water Management, Republic Water Directorate, by means of the letter No. 002211897 2025 14850 004 007 020 092 dated 27 May 2025, we hereby inform you of the following:

In accordance with the provisions of the Law on Waters (*Official Gazette of the RS*, Nos. 30/2010, 93/2012, 101/2016, 95/2018 and 95/2018 – other law), water acts for hydropower plants with an installed capacity of up to 10 MW are issued by the public water management enterprise.

The Republic Water Directorate of the Ministry of Agriculture, Forestry and Water Management of the Republic of Serbia has not issued any water acts for the construction of the “Studenica S4-Gradina“ hydropower plant on the Studenica River.

Kindest regards,

Acting Director
Maja Grbić, LL.B.

Annex 3: Report by the Agency for Spatial and Urban Planning



**Republic of Serbia
AGENCY FOR SPATIAL AND URBAN PLANNING
OF THE REPUBLIC OF SERBIA**

No: 863/2025-06

Date: 15 July 2025

10a Kralja Milutina St, Belgrade

MINISTRY OF ENVIRONMENTAL PROTECTION

2 Mihajla Pupina Blvd
11070 Belgrade

Number: 002211897 2025 14850 004 007 020 092

Dear Sir/Madam,

Upon reviewing the Request for Statement regarding Complaint No. 2025/01: New complaint: Serbia: Alleged threat to habitat and protected species due to the construction of “Studenica S4-Gradina” hydropower plant on the Studenica River, City of Kraljevo, which was submitted to your Ministry by the Secretariat of the Bern Convention and subsequently forwarded to the Republic Agency for Spatial and Urban Planning (hereinafter: the Agency), we hereby submit comments pertaining to the Complaint within the Agency’s scope of work.

The Urban Design Project was prepared by “BK-URBING” LLC – Kraljevo, while the conceptual design was developed by “ETHY GROUP” LLC – Čačak and “KVPROJEKT Inženjering” – Kraljevo. The investor for this Urban Design Project is “HIDRO-MIN” LLC – Čačak.

The Urban Design Project for the construction of “STUDENICA S4-GRADINA” small hydropower plant on the Studenica River, City of Kraljevo (hereinafter: the Urban Design Project), was developed in accordance with Article 60 of the Law on Planning and

Construction (“Official Gazette of the Republic of Serbia”, Nos. 72/2009, 81/2009 – corrigendum, 64/2010 – CC, 24/2011, 121/2012, 42/2013 – CC, 50/2013 – CC, 98/2013 – CC, 132/2014, 145/2014, 83/2018, 31/2019, 37/2019 – other law, 9/2020, 52/2021, 62/2023) (hereinafter: the Law on Planning and Construction), as well as in line with the implementation guidelines set forth in the Spatial Plan of the City of Kraljevo (“Official Gazette of the City of Kraljevo”, No. 07/11). The Project was confirmed by the Agency for Spatial and Urban Planning of the Republic of Serbia (Certificate No. **836/2024-06**, dated **28 March 2025**).

In accordance with Article 60, Paragraph 1 of the Law on Planning and Construction, an urban design project shall be prepared **when foreseen by a planning document** or upon the request of the investor. Given that Chapter **5.3.3 Measures and Instruments for Implementation of the Spatial Plan**, as outlined in the Spatial Plan of the City of Kraljevo (“Official Gazette of the City of Kraljevo”, No. 07/11), **provides for the development of urban design projects for the construction of small hydropower plants**, this Urban Design Project was initiated for the purpose of urban-architectural structuring and elaboration of the designated location. The preparation of this Urban Design Project was preceded by the issuance of conditions and opinions from competent public authorities, including Location Information No. 350-01-120/2020VI dated 2 July 2020, issued by the City of Kraljevo – City Administration, Department for Urbanism, Construction and Housing-Utility Services, as well as the Location Information No. 350-02-02130/2021-07 dated 20 April 2022, issued by the Ministry of Construction, Transport and Infrastructure.

In accordance with the Regulation on the Spatial Plan of the Special Purpose Area of the “Golija” Nature Park (Reference Map No. 4 – Planned Land Use with Special Purpose Zones, scale 1:50,000) (“Official Gazette of the Republic of Serbia” No. 16/09), and the new Regulation on the Proclamation of the “Golija” Nature Park (“Official Gazette of the Republic of Serbia” No. 88/24), the **scope of this Urban Design Project does not fall within the boundaries of the protection regimes of the “Golija” Nature Park**. Accordingly, the preparation of this Urban Design Project is not in contradiction with Article 60, paragraph 2 of the Law on Planning and Construction. It is also noted that the boundary of the **“Golija–Studnica” Biosphere Reserve (MAB)** in the eastern portion of the project area coincides with the boundary of the protection regime of the “Golija” Nature Park, and that the area covered by this Urban Design Project **does not fall within the boundaries of the biosphere reserve. In line with the above, although the scope of the Urban Design Project lies within the territory covered by the Spatial Plan for a Special Purpose Area, it does not fall within the boundaries of the Nature Park or within the protection regimes of levels I, II, or III of natural protection or specific natural values, nor within the “Golija–Studnica” Biosphere Reserve (MAB)**. As the planned scope of this Urban Design Project is not subject to any protection regime, **the rules and measures related to the protection, organization and rational use of resources defined for the aforementioned protected zones of the Nature Park do not apply.**

The planning basis for the development of this Urban Design Project is the Spatial Plan of the City of Kraljevo (“Official Gazette of the City of Kraljevo”, No. 7/11), which defines **construction rules for small hydropower plants under Section 4.3.10. of the textual part of this planning document**. The rationale for initiating this Urban Design Project stems from the urban-architectural-engineering elaboration of the location designated for the construction of the “Studenica S4 – Gradina” small hydropower plant, which incorporates hydro-technical and civil engineering structures intended for water transport and equipment housing, where kinetic energy is converted into electrical energy, all while safeguarding ecological balance, the ecological function of watercourses and the biodiversity they sustain. This approach fulfills both legal and planning frameworks, resulting in documentation that more precisely defines the rules for land use and construction applicable to this category of hydro-technical energy facilities, in accordance with the relevant spatial and urban planning documents.

As part of the aforementioned Urban Design Project, the following conditions and opinions have been registered and attached as integral elements of this urban-technical documentation:

- Conditions pertaining to the Design and connection of the power-generating facility, mini hydropower plant “Gradina S-4” in the village of Kamenjani, Ušće, City of Kraljevo, issued by **EPS “Distribution” LLC Belgrade – Branch “Electrodistribution Kraljevo” – Raška Unit**, No. 20700-Д0909.143742/1 of 13 July 2021, and Opinion No. 10908-42958/1-924 of 1 February 2024:
 - At the time these conditions were issued, it was determined that the proposed site lacked adequate energy infrastructure of sufficient capacity;
 - Specific connection requirements to the Electricity Distribution System (EDS), including provisions for electricity transfer and the maximum capacity achieved by the plant during energy intake and transmission;
 - As a precondition for connection to the power distribution network, project documentation must first be prepared for the missing power supply facility;
 - The transformer substation TC 110/35/10 kV “Ušće” must be connected to the electric power transmission system;
 - Additional conditions are provided in the correspondence of the issuing authority, enclosed with this report.

- Opinion on the Feasibility Study for five planned hydropower plants and one completed hydropower plant on the Studenica River, issued by **Public Water Management Company “Srbijavode” Belgrade**, number: 1197/1 of 22 May 2015;
 - The feasibility study for five planned hydropower plant and one completed small hydropower plant (SHPP) on the Studenica River, developed by JSC “Energoprojekt-Hidroinženjering” in April 2015 under contract No. 15004-201, was prepared in accordance with the Spatial Plan of the City of Kraljevo (“Official Gazette of the City of Kraljevo” No. 07/11);

- Notification issued by the **Public Water Management Company “Srbijavode” Belgrade, Water Management Center “Morava” Niš**, No. 4411/1 of 30 June 2021;

- Technical conditions (i.e., requirements) for the construction of SHPP “Studenica S4-Gradina” on the Studenica River, issued by **“Telekom Srbija” LLC Belgrade, Takovska 2, Directorate for Engineering, Access Network Department, Planning and Network Construction Service Kragujevac, Kragujevac**, No. **516751/2-2024 B4 of 21 November 2024**;
- Decision on Nature Protection Conditions, **03 No. 021-3589/2 of 17 February 2022**, issued by the **Institute for Nature Conservation of Serbia**;
 - The Institute for Nature Conservation of Serbia provided detailed specifications regarding which cadastral parcels may be used for the development of the Urban Design Project, identifying locations suitable for dam construction, powerhouse installation, reservoir formation, and access roads. These specifications include applicable special conditions, regulations, and requirements for the preparation of planning documentation and the Urban Design Project.
 - Based on the review of the Central Register of Protected Natural Areas and the documentation of the Institute, it has been determined that the cadastral parcels designated for the development of this Urban Design Project are not located within any protected area subject to an ongoing or completed protection procedure, nor are they situated within the spatial scope of the ecological network of the Republic of Serbia.
- Opinion on Nature Protection Conditions regarding fulfilment of nature protection requirements for the construction of SHPP “Studenica S4–Gradina” on the Studenica River, City of Kraljevo, **03 No. 020-3589/5 dated 10 July 2023**, issued by the **Institute for Nature Conservation of Serbia**;
- Notification issued by the **Institute for Nature Conservation of Serbia**, **03 No. 021-3589/7 dated 30 January 2025**;
- Conditions for the preparation of the Urban Design Project for the construction of SHPP “Studenica S4–Gradina” on the Studenica River, Kraljevo, issued by the **Institute for the Protection of Cultural Monuments Kraljevo**, **No. 1240/2 dated 22 November 2021**, and Opinion **No. 46/2 dated 29 January 2025**;
 - Based on the review of the designated area, it was determined that the **Project area does not include any registered immovable cultural properties, nor any properties under preliminary protection in accordance with the Law on Cultural Heritage** (“Official Gazette of the Republic of Serbia” Nos. 71/94, 52/11 - other law and 99/11 - other law). The area designated for investigative work and further activity is situated in the immediate vicinity of the “Golija” Nature Park and the “Golija - Studenica” Biosphere Reserve;
- Fire Prevention and Safety Measures, issued by the **Ministry of Interior of the Republic of Serbia, Sector for Emergency Situations, Department for Emergency Situations in Kraljevo**, **No. 09.16.1 Number: 217-6663/22 dated 26 April 2022**;

- Conditions issued by the **Public Utility Company “Vodovod”, Kraljevo, No. 3786/1** dated 16 January 2023, and Opinion No. **53/1 dated 17 January 2025**; and
- Statement issued by the **Ministry of Defence of the Republic of Serbia, Infrastructure Department, No. 2587/2 dated 6 March 2023**.

A formal request for expert review of the Urban Design Project for the construction of SHPP “Studenica S4–Gradina” on the Studenica River, City of Kraljevo, was submitted to the **Ministry of Construction, Transport and Infrastructure** registered under **No. 350-01-00751/2023-11 of 30 March 2023**.

Pursuant to the Law on Amendments to the Law on Planning and Construction from 2023, which entered into force on 4 August 2023 (“Official Gazette of the Republic of Serbia” No. 62/23), the Agency for Spatial and Urban Planning of the Republic of Serbia was established. In accordance with the provisions of Article 166g of this Law, the Agency performs expert review of spatial and urban planning documents and checks for compliance of planning documents falling under the jurisdiction of the Republic of Serbia or the Autonomous Province, as delegated tasks performed in accordance with the law and regulations adopted on its basis.

The public presentation of the Urban Design Project was held from 1 March to 8 March 2024, at the premises of the City Administration of the City of Kraljevo, Department for Urbanism, Construction and Housing-Utility Services. During the public presentation, a total of **32 objections/comments were submitted by interested parties**.

In accordance with the provisions of Article 36, paragraph 4 of the Law on Planning and Construction, the minister responsible for planning and construction shall establish a commission to assess whether conditions are met for performing expert tasks related to the development of spatial and urban plans.

The Commission for Expert Review of the Urban Design Project for the construction of SHPP “Studenica S4–Gradina” on the Studenica River, City of Kraljevo, was established by a Decision issued by the Minister of Construction, Transport and Infrastructure, No. 001093302 2024 14810 006 001 000 001 dated 22 April 2024, and convened on **9 December 2024, at the premises of the Agency for Spatial and Urban Planning of the Republic of Serbia**.

Following the Expert Review of the Urban Design Project and based on the provisions of Articles 63, 63a and 166g of the Law on Planning and Construction, the Commission for Expert Review issued a **Report on the conducted expert review of the Urban Design Project for the construction of SHPP “Studenica S4–Gradina” on the Studenica River, City of Kraljevo, No. 863/2024-06 dated 16 December 2024**. In accordance with the aforementioned provisions, the Commission’s Report was prepared within the legally prescribed timeframe of

eight days from the date on which the expert review of the Urban Design Project was conducted.

In accordance with Article 57, paragraph 4 of the Law on Planning and Construction, where the planning document provides for the preparation of an Urban Design Project, or where such a project is prepared at the request of the investor, location conditions shall be issued based on the relevant planning document and the Urban Design Project. The conditions established and obtained from public authorities during the preparation and confirmation of the Urban Design Project may also be used when issuing location conditions, provided that a confirmed Urban Design Project is submitted together with the request for issuance of location conditions. Given the complexity and specific characteristics of the proposed design, as well as special regulations applicable to the planned facilities, in particular, with regard to the issuance of water conditions and water approval, the strategic assessment and/or environmental impact assessment, which are not required at this stage of technical documentation development according to relevant laws, will be obtained at a later stage. The Commission concluded that the conditions for connection to energy, transport, and other infrastructure, as well as other acts relevant to evaluating the environmental impact of the project, will be obtained again from the competent public authorities within the consolidated procedure in accordance with the Law. Following the determination of the position of the preparer of this Urban Design Project and the members of the Commission, a conclusion was adopted regarding the comments submitted by interested parties (accepted/not accepted/partially accepted).

After the developer of this Urban Design Project acted upon the comments and suggestions of the Commission contained in Report No. 863/2024-06 dated 16 December 2024, the Agency for Spatial and Urban Planning of the Republic of Serbia confirmed that the developer had complied with the aforementioned recommendations and accordingly issued the Confirmation of the Urban Design Project for the construction of SHPP “Studenica S4–Gradina” on the Studenica River, City of Kraljevo, **Confirmation No. 863/2024-06 dated 28 March 2025.**

The following documentation is submitted in full alongside the Statement on Complaint No. 2025/1:

- Location Information No. 350-01-120/2020VI dated 2 July 2020, issued by the City of Kraljevo – City Administration, Department for Urbanism, Construction and Housing-Utility Services;
- Location Information No. 350-02-02130/2021-07 dated 20 April 2022, issued by the Ministry of Construction, Transport and Infrastructure;
- Excerpt from Reference Map 4 of the Spatial Plan for the Special Purpose Area of the “Golija” Nature Park (“Official Gazette of the Republic of Serbia” No. 16/09);
- Excerpt from the Spatial Plan of the City of Kraljevo (“Official Gazette of the City of Kraljevo” No. 07/11) – Section **5.3.3. Measures and Instruments for**

Implementation of the Spatial Plan and Section 4.3.10. Construction Rules for Small Hydropower Plants;

- Conditions for the design and connection of the electricity generation facility – the mini hydropower plant “Gradina S4” – in the settlement of Kamenjani, Ušće, City of Kraljevo **No. 20700-D0909.143742/1 dated 13 July 2021**, issued by the **distribution system operator - EPS “Distribucija” LLC Belgrade – Branch “Elektrodistribucija Kraljevo” – Raška Unit**, and Opinion No. **10908-42958/1-924 dated 1 February 2024**;
- Opinion on the Feasibility Study for five planned and one completed hydropower plant on the Studenica River, issued by the **Public Water Management Company “Srbijavode,” Belgrade**, No. **1197/1 dated 22 May 2015**.
- Notification issued by the **Public Water Management Company “Srbijavode,” Belgrade, Water Management Centre “Morava” Niš**, No. **4411/1 dated 30 June 2021**;
- Technical conditions for the construction of SHPP “Studenica–S4 Gradina” on the Studenica River, issued by **“Telekom Srbija,” Telecommunications Enterprise LLC Belgrade, Takovska No. 2, Technical Directorate, Access Network Sector, Network Planning and Construction Department – Kragujevac**, Ref. No. **516751/2-2024 BЧ dated 21 November 2024**;
- Decision on Nature Protection Conditions, **03 No. 021-3589/2 dated 17 February 2022**, issued by the **Institute for Nature Conservation of Serbia**;
- Opinion on Nature Protection Conditions regarding compliance with nature protection requirements for the construction of SHPP “Studenica–S4 Gradina” on the Studenica River, City of Kraljevo, **03 No. 020-3589/5 dated 10 July 2023**, issued by the **Institute for Nature Conservation of Serbia**;
- Notification issued by the **Institute for Nature Conservation of Serbia**, **03. No. 021-3589/7 dated 30 January 2025**;
- Conditions for the development of the Urban Design Project for the construction of SHPP “Studenica–S4 Gradina” on the Studenica River, Kraljevo, issued by the **Institute for the Protection of Cultural Monuments Kraljevo**, No. **1240/2 dated 22 November 2021**, and Opinion No. **46/2 dated 29 January 2025**;
- Fire Prevention and Safety Measures, issued by the **Ministry of Interior of the Republic of Serbia, Sector for Emergency Situations, Department for Emergency Situations in Kraljevo**, No. **09.16.1 217 Number: 6663/22 dated 26 April 2022**;
- Conditions issued by the **Public Utility Company “Vodovod,” Kraljevo**, No. **3786/1 dated 16 January 2023**, and Opinion No. **53/1 dated 17 January 2025**; and
- Изјашњење: Министарство одбране РС, Управа за инфраструктуру, број: 2587/2 од 06.03.2023. године. - Statement issued by the **Ministry of Defence of the Republic of Serbia, Infrastructure Department**, No. **2587/2 dated 6 March 2023**.

In accordance with all the aforementioned information, and based on the supporting documentation submitted with this Statement, it can be concluded that the Urban Design Project was prepared in compliance with the Law on Planning and Construction and with regulations adopted pursuant to this Law. It is further confirmed that the developer of this Urban Design Project acted in accordance with the submitted Report on the conducted expert review of the Urban Design Project for the construction of SHPP “Studenica S4–Gradina” on the Studenica River, City of Kraljevo, Certificate No. 863/2024-06 dated 16 December 2024.

Sincerely,

INTERIM DIRECTOR

Обрадио: маст.инж.арх. Марко Милосављевић	
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Dorđe Milić, MSc Spatial Planning

Deliver to:

- Addressee
- Records Office (Archive)

Annex 4 : Report by the Institute for Nature Conservation

03 No. 025-2177/4
4 July 2025

MINISTRY OF ENVIRONMENTAL PROTECTION
11070 Novi Beograd
1 Omladinskih brigada St

The Institute for Nature Conservation of Serbia received your request - urgency notice No. 002211897 2025 14850 004 007 020 092 of 25 June 2025, registered under 03 No. 025-2177/3 of 3 July 2025, requesting an opinion regarding “Complaint No. 2025/01: New complaint: Serbia: Alleged threat to habitat and protected species due to the construction of “Studenica S4-Gradina“ hydropower plant on the Studenica River”, for the purpose of submitting a response to the Secretariat of the Bern Convention, the Council of Europe. The complaint concerning the alleged threats to habitats and protected species resulting from the construction of “Studenica S4 Gradina” hydropower plant on the Studenica River was submitted by the non-governmental organization “Polekol” and the informal citizens’ group “Let’s Save Studenica”.

Please find enclosed the relevant opinion of the Institute for Nature Conservation of Serbia, registered under 03 No. 025-2177/2 of 30 June 2025, which has already been submitted by the Institute to the Ministry of Environmental Protection.

EXECUTIVE DIRECTOR
Branka Vujović
As per Decision 02 No. 012-1638/2
of 24 June 2025

Enclosed:

- Opinion of the Institute for Nature Conservation of Serbia 03 No. 025-2177/2 of 30 June 2025

Delivered to:

- The Applicant
- The Records Office (Archive) x 2

03 No. 025-2177/2

30 June 2025

MINISTRY OF ENVIRONMENTAL PROTECTION11070 Novi Beograd
1 Omladinskih brigada St

The Institute for Nature Conservation of Serbia received your request No. 002211897 2025 14850 004 007 020 092 dated 27 May 2025, registered under 03 No. 025-2177/1 of 9 June 2025, requesting an opinion regarding “Complaint No. 2025/01: New complaint: Serbia: Alleged threat to habitat and protected species due to the construction of “Studenica S4-Gradina“ hydropower plant on the Studenica River”, for the purpose of submitting a response to the Secretariat of the Bern Convention, the Council of Europe. The complaint concerning the alleged threats to habitats and protected species resulting from the construction of “Studenica S4 Gradina” hydropower plant on the Studenica River was submitted by the non-governmental organization “Polekol” and the informal citizens’ group “Let’s Save Studenica”.

The complainants state that the construction activities of the “Studenica S4 Gradina” hydropower plant, with an installed capacity of 2.160 kW on the Studenica River, may constitute a violation of the provisions of the Bern Convention, as well as Recommendation No. 157 of the Standing Committee, including threats to wild flora, fauna and natural habitats listed in Appendices I and II to the Convention. The complaint further states that an appropriate impact assessment was not conducted, in accordance with Article 10 of the Law on Environmental Protection of the Republic of Serbia, as well as that the planned hydropower plant is to be located directly adjacent to the eastern boundary of the Emerald site “Golija” (RS000030).

Upon reviewing the central Register of Protected Natural Assets, the nature protection information system (database) maintained by the Institute for Nature Conservation of Serbia, as well as the applicable legislative framework, and pursuant to your request, we hereby inform you as follows:

Response to Question No. 2: *“Which specific species or habitats listed in one of the appendices to the Bern Convention are potentially threatened?”*

FLORA AND HABITATS: The database of the Institute for Nature Conservation of Serbia contains no records of the presence of plant species or habitats stated in the Complaint. It should also be noted that habitat types with codes H2.5, H2.6, E5.4, and E2.2 are not characteristic for gorges of this type.

INVERTEBRATES: The database of the Institute for Nature Conservation of Serbia contains no records of the presence of invertebrate species referenced in the Complaint. Furthermore, it should be emphasized that the natural habitats of all identified species are forests, meadows and wet meadows - not the area in question, namely, the gorge.

FISH: The database of the Institute for Nature Conservation of Serbia, the Fisheries Management Programme for “Ibar” fishing area and the Fisheries Management Programme for “Golija” Nature Park, contain no data on the presence of fish species referenced in the Complaint, specifically, the European bullhead (*Cottus gobio*) and zingel species (*Zingel spp.*)

in the basin of the Studenica River or the Ibar River, to which the Studenica River is a tributary. Throughout the years of field research conducted within the Studenica River basin for the purposes of revising the Protection Study for “Golija” Nature Park, these species were not recorded. The location in question does not constitute their natural habitat. The presence of the Danube barbel (*Barbus balcanicus*) was documented; however, Danube barbel is widely distributed across the territory of Serbia and is not endangered at the site in question.

HERPETOFAUNA AND BATRACHOFAUNA: Regarding the Studenica River basin, the presence of the yellow-bellied toad (*Bombina variegata*) and the Caspian whipsnake (*Dolichophis caspius*) has been documented. In order to assess the potential risk posed to these species by the construction of the aforementioned hydropower plant, further research is required.

BIRDS: The database of the Institute for Nature Conservation of Serbia contains no records of bird species referenced in the complaint within “Studenica S4 Gradina” hydropower plant project area. While the listed species may utilize the wider surrounding area, an assessment of potential risks associated with the construction of the aforementioned hydropower plant requires additional research.

MAMMALS: The database of the Institute for Nature Conservation of Serbia contains no data confirming the presence of mammal species cited in the Complaint. The area in question is not a natural habitat for *Ursus arctos*, *Canis lupus* or *Vormela peregusna*; any occurrence of these species would be incidental, limited to occasional movement through the area. According to available data, there are currently no confirmed records of the following bat species listed in the complaint: *Rhinolophus euryale*, *Rhinolophus ferrumequinum*, *Myotis emarginatus*, *Myotis myotis* and *Rhinolophus hipposideros* - not even within the broader vicinity of the area concerned. These species predominantly inhabit cave habitats, which are not present in the location in question. However, the presence of the Eurasian otter (*Lutra lutra*) has been documented.

NOTE 1: The database is not limited to data collected solely by the Institute for Nature Conservation of Serbia but represents the outcome of long-standing cooperation with several biological faculties and research institutes. It includes both literature-based sources and the most recent field research conducted by experts specializing in the animal groups referenced in the complaint.

NOTE 2: Among all species listed in the complaint, only the presence of the Danube barbel (*Barbus balcanicus*), the yellow-bellied toad (*Bombina variegata*), the Caspian whipsnake (*Dolichophis caspius*) and the Eurasian otter (*Lutra lutra*) has been reliably confirmed.

Response to Question No. 3: “*What are the potential negative impacts on the species and habitats concerned?*”

Should the proposed dam be constructed and a reservoir formed upstream, the fundamental environmental and ambient characteristics of the Studenica River basin and its surroundings would inevitably be altered. This would result in changes to the physico-chemical properties of the aquatic environment as well as to local microclimatic conditions, potentially affecting both the qualitative composition of biotic communities and the quantitative balance of biodiversity elements. The nature and extent of these impacts should be described in the

Environmental Impact Assessment Study, which will form the basis for drawing specific conclusions.

Response to Question No. 4: “Do you have information on whether the potentially threatened species or habitats are covered by other international conventions, or whether the area has been designated as a Natura 2000, Emerald or UNESCO site”

Based on a review of the central Register of Protected Natural Assets and the documentation of the Institute for Nature Conservation of Serbia, it has been established that the planned “Studenica S4 Gradina” hydropower plant site does not fall within the protected area for which protection has been implemented or initiated in accordance with the Law on Nature Protection, nor does it fall within ecologically significant areas defined under the Regulation on the Ecological Network of the Republic of Serbia. However, the area of the planned small hydropower plant (SHPP) “Studenica S4 Gradina” lies within the pSCI “Studenica,” which is part of Natura 2000 ecological network in accordance with European Union legislation, namely, the Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and the Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds. The site of the planned SHPP “Studenica S4 Gradina” is not located within an Emerald Network area as defined by the Law on the Ratification of the Convention on the Conservation of European Wildlife and Natural Habitats (“Official Gazette of the RS – International Treaties”, No. 102/07).

The following species listed in the Appendices to the Bern Convention are included in the aforementioned EU Directives:

- FISH: Appendices II and V - Danube barbel (*Barbus balcanicus*);
- HERPETOFAUNA AND BATRACHOFAUNA: Appendix II - yellow-bellied toad (*Bombina variegata*); Appendix IV - yellow-bellied toad (*Bombina variegata*), Caspian whipsnake (*Dolichophis caspius*);
- MAMMALS: Appendices II and IV - Eurasian otter (*Lutra lutra*).

NOTE 1: In accordance with its work programme, the Institute for Nature Conservation of Serbia has initiated research and evaluation of the area in question, which includes a section of the Studenica River currently located outside any designated protected area. Based on previous studies and the natural values identified, a proposal has been put forward to include this section within future protection regimes. Under the applicable legal framework which prohibits the construction of small hydropower plants within protected areas, the designation of this site as protected would, by itself, render the construction of such a facility legally inadmissible.

EXECUTIVE DIRECTOR

Branka Vujović

As per Decision 02 No. 012-1638/2
of 24 June 2025

Delivered to:

- The Applicant
- The Records Office (Archive) x 2