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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting

Strasbourg, 28 November - 2 December 2022

New complaint: 2022/01

**Alleged habitat destruction in the area of Novi Sad due to
proposed infrastructure constructions
(Serbia)**

- COMPLAINT FORM -

*Document prepared by
NGO World and the Danube*

**Convention on the Conservation of European
Wildlife
and Natural Habitats**



COMPLAINT FORM

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On behalf of (if applicable): NGO World and the Danube

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Date:

1. Please state the reason of your complaint (refer also the Contracting Party/es involved and the Articles of the Convention which might be violated)

The reason for this complaint is the need to preserve and prevent further degradation of the unique ecosystem in the areas of *Kamenička ada*, *Dunavac* and *Šodroš*, which are located in the Republic of Serbia and administratively belong to the territory of the city of Novi Sad.

The degradation of this unique ecosystem is a consequence of the violation of Articles 1,2,3,4, and 5 of the Convention, by the Republic of Serbia, which ratified this Convention in 2007, by adopting the Law on Ratification of the Convention on the Conservation of European Wildlife and Natural Habitats, and its publication in the Official Gazette of the Republic of Serbia - International agreements, no. 102/2007 of 7th November 2007.

The stated violation of the provisions of the Convention is reflected in the drastic violation of habitat conditions of protected species of flora and fauna of the unique ecosystem in the areas of *Kamenička ada*, *Dunavac* and *Šodroš*, primarily due to illegal construction in protected areas and insufficient implementation of regulations by the competent state institutions.

This sensitive and valuable ecosystem, inhabited by hundreds of species of plants, fungi and animals, many of which are strictly protected by domestic and international nature protection acts, is threatened with permanent destruction if the above-mentioned actions of the state authorities of the Republic of Serbia continue.

The Republic of Serbia most directly violated the provisions of the Convention by adopting the Government Conclusion 05 No. 351-4002/2020 of 21st May 2020, adopted on the basis of Article 2, paragraph 3 and Article 4, paragraphs 1 and 2 of the Law on Special Procedures for the realization of projects for construction and reconstruction of line infrastructure facilities of special importance for the Republic of Serbia and Article 43, paragraph 3 of the Law on Government, at the proposal of the Ministry of Construction, Transport and Infrastructure.

With this Conclusion, the Government of the Republic of Serbia has determined the public interest for the expropriation of the area which includes the unique ecosystem in the areas of *Kamenička ada*, *Dunavac* and *Šodroš*, for the construction of a bridge-bypass around Novi Sad, with access roads.

Having in mind the above-mentioned, as well as the fact that the zone of the planned infrastructure facility extends next to and above the ecological corridor *Kamenička ada*, *Ribarsko ostrvo*, *Šodroš* and *Dunavac*, which is a unique ecosystem of natural wetlands with exceptional features, the complainant believes that the construction of road facility will primarily lead to drastic changes and irreversible destruction of the habitat of more than 200 strictly protected, protected and endangered animals and plant species.

On 2nd March 2021, the NGO World and the Danube together with other local NGOs submitted an initiative for the protection of the Danube, *Kamenička ada*, *Šodroš* and *Ribarsko ostrvo* to the Provincial

Institute for Nature Protection. This initiative presented analyses of biodiversity and habitats, and requested the subject area to be examined and an expert study and valorisation to be made in order to enable the local government of the city of Novi Sad and the Autonomous Province of Vojvodina to pass the necessary Act on habitat protection of strictly protected and protected species. Unfortunately, the Provincial Institute for Nature Protection rejected this initiative because of financial reasons in the period 2021–2031. That was an absurd reason considering that our initiative already provided a large amount of data on biodiversity of the area.

In the meantime, the public water management company *JVP Vode Vojvodine* issued an approval for the construction of an embankment in the water floodplain of the narrow protected part of the island of *Kamenička ada*, open to the Danube River, which would lead to the destruction of this alluvial ecosystem. This action would alienate the natural defence of the town of Novi Sad against flooding and lead to the urbanisation of the area.

NGO World and the Danube has, within its capabilities, taken all legal and factual actions that were available to it within the legislation and legal systems of the Republic of Serbia. However, none of the above attempts by the NGO World and the Danube to legally protect the ecosystem gave a positive result due to the passivity and lack of interest of state institutions of the Republic of Serbia to act on the submitted requests and initiatives, as well as their exclusion from liability by emphasizing the lack of competence to act.

Due to all of the above, the NGO World and the Danube addresses this complaint to the Berne Convention Secretariat.

Attachment: Response of the Institute for Nature Protection, Decision of PINP, and Water conditions of JVP VV

2. Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected? (Please include here information about the geographical area and the population of the species concerned, if applicable)

Attachment: Lists of protected and strictly protected species from the area.

The protected natural asset of the SP "Ribarsko ostrvo" is located in Vojvodina, the northern autonomous province of Serbia, on the banks of the Danube River, in the city of Novi Sad. It belongs to the South Bačka District, cadastral municipality Novi Sad II.

3. What might be the negative effects for the specie/s or habitat/s involved?

Destruction of this alluvial ecosystem will lead to the permanent disappearance of all currently present animal and plant species out of which there are more than 200 strictly protected species according to national laws.

4. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald network site?

This area is currently not considered as potential NATURA2000/Emerald network site. Protection of rare and endangered species, as well as their habitats, is a way to stop rates of decline in biological diversity in the Republic of Serbia. It is legally regulated by the Law on Nature Protection ("Official Gazette of RS", No. 14/16) and bylaws governing this area.

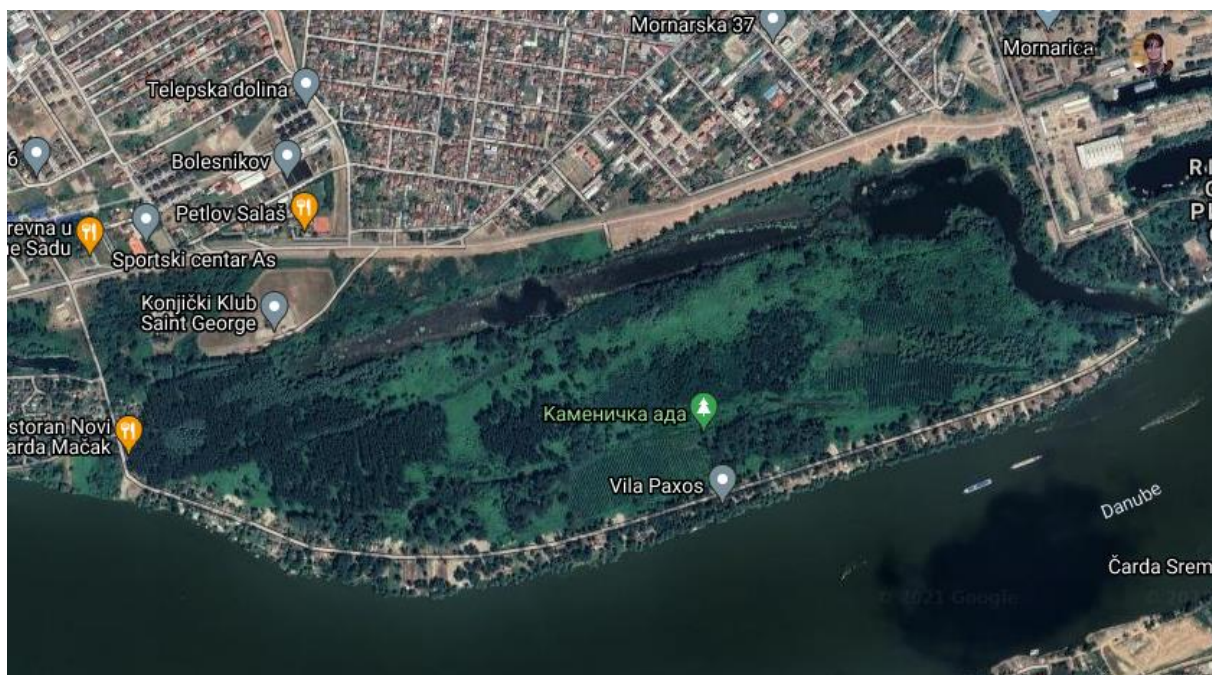
5. Do you know if there are any pending procedures at the national or international level regarding the object of your complaint?

The decision of the Constitutional Court on the submitted constitutional complaint requesting the annulment of the Government Conclusion 05 Number: 351-4002/2020 of 21st May 2020, because it violated the right of citizens to a healthy environment and timely and complete notification of its condition, proclaimed by the provision of Article 74, paragraph 1 of the Constitution of the Republic of Serbia, has not been made yet, which complaint is registered in with the Constitutional Court of the Republic of Serbia under number Už-9980/21.

6. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc)

According to the national laws for this kind of serious habitat changes, a Strategic ecological impact assessment needs to be presented and adopted by responsible institutions. That was not done although local politicians lied about it in media.

Also, these harmful plans and changes initiated by *JKP Vode Vojvodine* and city government are not present in the currently valid city urban plan of Novi Sad nor new one is known what it predicts. According to the valid plan, this area is considered completely as a green zone of the city.



ANNEX I

[Document available at this link](#)