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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

43rd meeting

Strasbourg, 28 November - 1 December 2023

Complaint on stand-by: 2022/01

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

- COMPLAINANT REPORT -

*Document prepared by
World and Danube*

Submission of an updated report for the attention of the Bureau

Subject: Complaint No. **2022/1**: Complaint on stand-by: Serbia:

Alleged habitat destruction in the area of Novi Sad due to proposed infrastructure constructions

In accordance with the instructions received

1. Claims that: NGO "Svet i Dunav" did not file a Complaint with the Ministry of Environmental Protection as the competent authority for monitoring the implementation of the Berne Convention in the Republic of Serbia in connection with the destruction of habitats in the area of Kamenička Ada, Dunavac. and Šodroš rather but that instead they directly addressed the Secretariat of the Berne Convention are incorrect. Pursuant to the Law on Environmental Protection (**ЗАКОН о заштити природе**, "Official Gazette of the Republic of Serbia", no. 36 dated May 15, 2009, no. 88 dated November 23, 2010, no. 91 dated December 03, 2010 – correction, no. 14 dated February 22, 2016, no. 95 dated December 08, 2018 – State Law, no. 71 dated July 15, 2021, Entities in the Environmental Protection System, Article 6. Protection and preservation of the environment is secured, within their powers, by: 1) The Republic of Serbia; 2) Autonomous Province; 3) Municipality, City of Belgrade (hereinafter: local government unit); 4) protected area manager; 5) legal entities, entrepreneurs and natural persons who use natural resources and protected natural goods in the performance of economic and other activities; 6) professional and scientific organizations and other public services; **7) citizens, groups of citizens, their associations**, professional or other organizations. Therefore, we hereby inform that we have acted pursuant to the stated Law when filing the Initiative on the protection of Ribarsko poluostrvo, Kamenička ada, Šodroš and Dunavac to the Provincial Institute for Nature Protection (under whose jurisdiction are the areas of special importance for the preservation of biodiversity through Petitions, 12,950 citizens' Objections to GUP Novi Sad 2030, all in connection with the call for monitoring and protection (of already protected natural assets as habitats of strictly protected species).
2. Article: 2. Objective of the law, Article 2. This law (should) achieve the following objectives: protection, preservation and improvement of biological (genetic, species and ecosystem), geological and regional diversity; 2) harmonization of human activities, economic and social development plans, programs, foundations and projects with sustainable use of renewable and non-renewable natural resources and long-term preservation of natural ecosystems and natural balance; 3) sustainable use and/or management of natural resources and goods, ensuring their function while preserving natural values and the balance of natural ecosystems; 4) timely prevention of human activities and activities that can lead to permanent impoverishment of biological, geological and landscape diversity, as well as disturbances with negative consequences in nature; 5) determining and monitoring the state of nature; 6) improving the condition of damaged parts of nature and landscapes.

We claim that in the case of invasive works in the protected area, there was a gross violation of the above-mentioned Law, as well as the Law on Biodiversity Protection, and on the basis of Article 48, paragraph 1 of the Law on Nature Protection ("Official Gazette of RS", number 36/09), The Minister of the Environment and Spatial Planning and the Minister of Agriculture, Forestry and Water Management jointly adopt the REGULATION on the declaration and protection of strictly protected and protected wild species of plants, animals and mushrooms

Over the past 3 years, we tried to use all available means of legal administrative struggle in order to protect in practice what the state of Serbia, more precisely the Provincial Institute for Nature Protection which is the competent authority, presented as official Decisions on measures to protect the habitats of

164 strictly protected species, which are also absolutely NOT being implemented in practice, bearing in mind the subject area of Ribarsko poluostrvo, Kamenička ada, Dunavac and Šodroš.

[Link 1, pic No](#), 02.04.2021, [Link 2, Pic No](#) 23.02.2021, [Link 3](#), [Link 4](#)

3. The aforementioned areas: Kamenička Ada, Dunavac and Šodroš are located on the territory of the city of Novi Sad, the Republic of Serbia, and are included in the new General Urban Plan of the City of Novi Sad until 2030, which is currently in the process of adoption.

In the meantime the GUP adopted the Plan which includes the degradation of more than 80 % protect area.



4. The Republic of Serbia legally protected the aforementioned areas of Kamenička Ada Dunavac and Šodroš by adopting the Rulebook on the proclamation and protection of strictly protected and protected wild species of plants, animals and mushrooms (“Official Gazette of the Republic of Serbia”, nos. 5/10, 47/11, 32 /16 and 98116), whereby special part of the area that belongs to Kamenička ada (NSA 22b) and a special part of the area that belongs to Ribarsko ostrvo (NSA 22a) are identified as habitats of protected and strictly protected wild species of national importance, and thus species of international importance which have been transposed into national legislation by this rulebook in accordance with the Bern Convention and the EU Birds and Habitats Directive.

We concord only in the part that refers to legal protection. To date, the public has not heard an official explanation of who and why cutting down forests on Šodroš on June 11, 2022? Environmental activists have been on duty at one of the approaches to the forest for eight months to prevent further felling.

The main problem entirely is the highly [invasive destruction of the relevant protected area of Kamenička ada](#) in real space and time, the submitted recording dates from December 16, 2022, when once again only three activists stopped the cutting of trees in the protected area, at least temporarily.

NGO Svet i Dunav received instructions **for the first time** that additional data is needed in view of the Initiative, and the [Petition for the preservation and protection of Dunavac, Kamenička ada, Šodroš and Ribarsko ostrvo](#), when we, as the defendants, received the Decision of the Bureau of the Berne Convention. We hereby deny the claims found in the response from the Ministry for Environmental Protection that the Provincial Institute for Nature Protection has already requested the specified documentation concerning georeferenced data for each individual species listed in the Initiative. [On the link and link II](#)

5. Decisions of the Institute for Nature Protection on protection measures ([1](#), [2](#), [3](#))
6. [Participations in public hearings, links](#)
7. [Protest I](#)
8. [Protest II](#)
9. [Protest III](#)
10. [Hydrogeological research \(recording\)](#) without respecting the basic protection measures.
11. Illegal logging <https://www.021.rs/story/Novi-Sad/Vesti/307309/Koridori-dobili-privremenu-dozvolu-za-most-u-Novom-Sadu-sledi-prijava-radova-koji-uveliko-traju.html#NoviSad>
12. Reports to competent state authorities and the Police;
13. Announcement on the websites of the Ministry for Environmental Protection and the City of Novi Sad in which the [NGO Svet I Dunav is accused of misleading the public](#) because in a newspaper article the journalist wrote on his own initiative that an inspection by the Berne Convention Bureau is expected after the First Decision
14. [Statements](#) made by the Mayor of Novi Sad and other state representatives, e.g.:

The Mayor commented also on the opposition of environmental activists to the construction of the bridge, and said that they were saying "nonsense", but also warned them that "*lunatic scenes from Novi Sad will not be shown*", in the sense of any attempt to prevent the construction.

15. Corridors of Serbia enterprise and decisions about the fact that it is NOT necessary to do a Study on environmental impact assessment. This is about the second phase of the phased construction of temporary roads that refers to the Bačka side, while the permit for the Srem side was obtained on May 31 of this year. The director of Corridors of Serbia Aleksandar Antić then said that the expropriation on the Srem side was completed, and that several plots of land on the Novi Sad side remained to be regulated. [For this phase of works as well it was determined that there is no legal obligation to initiate the environmental impact assessment procedure.](#)
16. <https://www.021.rs/story/Novi-Sad/Vesti/298865/VIDEO-Odrzan-protest-protiv-novog-mosta-Autoput-ce-biti-ispred-nosa-gradjanima-na-Bulevaru-Evrope.html>
17. Rejected building permit
18. It was announced that complaints will be filed against the responsible persons in the City of Novi Sad, Public Water Management Company Vode Vojvodine, Chinese company CRBC, Provincial Institute for Nature Protection, Faculty of Technical Sciences and Jaroslav Černi Water Institute. When asked to comment on these claims, Vučević said that “as an attorney, he doesn’t understand anything, but as a politician, everything is clear to him”. And let it be recorded that the Mayor who fought for and secured money for the bridge, received a criminal complaint that was filed against him precisely for this reason. And let this become part of the records of Novi Sad’s everyday events someday. I see that Kružević is proud to be in this complaint, and Miladinović is happy about it as well. I would be glad if the prosecutor's office or the police called me to hear about how I fought for us to get a new bridge. I live to state officially for the record what I did to have Novi Sad get its fourth bridge and then to get reported for that. This is like the Bible, you fight, you work and they file a criminal complaint”, he said. He mentioned also the **complaint that was filed with the Berne Convention earlier (Council of Europe’s Convention on the Protection of the Environment) and said that it is a disgrace that someone is “telling on their city and on their state”**. “Whoever blows the whistle and whoever is more aggressive – wins. You are cowards, you report your own city, you obstruct your own city. The Commission is tolerant, they can put up with everything and they are waiting. If I were chairing the commission, I would be much less tolerant”, [Miloš Vučević](#) told the activists.

19. On Monday (March 14, 2022), the portal 021.rs announced that the area on the quay in Sremska Kamenica has been asphalted and concrete has been poured, and construction machines and other equipment are parked. However, the bridge that will be built with the Chinese partner, CRBC, has not yet been presented to the public. The name of the Chinese company is written on the fence of the construction site in English and in Chinese, while at the entrance is a sign that states "Bypass around Novi Sad with a bridge over the Danube on state road IIA".

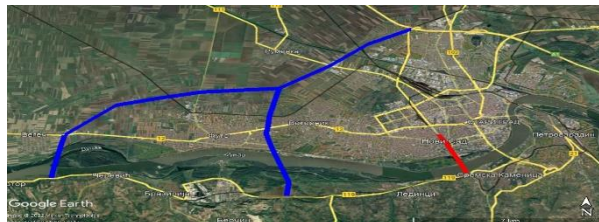
"A memorandum was signed, based on which the contractors applied for a temporary building permit for preparatory works and the initial expropriation procedure was carried out on the Srem side. Now we are waiting for the signing of a commercial contract between the Republic of Serbia and CRBC as the contractor. Only then will the official works be able to start in full capacity," stated to the then mayor of Novi Sad, Miloš Vučević.

20. [Complaint was filed against the illegally adopted GUP 2030 for Novi Sad](#)

21. [Environmental Impact Assessment Studies, yes or no?](#)

22. *Corridors of Serbia: Decision on the need for an impact assessment and determining the scope and content of the Study. Since then, 'Corridors' have had one year to submit the Study and it was submitted to the Ministry last week, so the administrative verification of the request is underway, given that the next step of the Ministry is to give consent to this study or not,"* Pavkov said (January 10, 2023)

23. Following the first decision of the Bern Convention Bureau, the non-governmental organisation Svet I Dunav has sent An appeal to stop all preparatory invasive works in the protected area to all relevant institutions, the CRBC company and other interested parties. In the same letter we propose alternative, feasible and possible directions for the construction of the bridge (on the bank of the Danube, which is already devastated, within the administrative boundaries of the city of Novi Sad).



24. Works are in progress, with construction of an auxiliary bridge and the devastation of the area: *"Procedurally, we are at the moment when work is being carried out on the construction of the auxiliary bridge, and I have already talked about that. The China Road and Bridge Corporation (CRBC), which is the contractor, has the technology to first build the auxiliary bridge from which it will build the main bridge. Therefore, when it comes to the fourth bridge in Novi Sad, we have temporary building permits for preparatory works on the construction of auxiliary roads and the temporary bridge. Just as we received a positive assessment for the preliminary design, we are now starting the project for the building permit and **part of the documentation will be the Environmental Impact Assessment Study**, which we have sent to the competent ministry and we are now waiting for their response",* Antić said (January 10, 2023)
25. Kamenička ada is not mentioned in the conditions for protection. The documentation for GUP NS 2030 states that "NSA22a" is Ribarsko ostrvo, while other documents from the same institution state that NSA22a is Kamenička ada, and NSA22b is Ribarsko ostrvo.
26. After several months of processing the requested data in connection with the georeferencing of data on biodiversity with an emphasis on strictly protected and protected species, the species from the list of the Berne Convention in the area of the Ribarsko poluostrvo, Kamenička Ada, Dunavac and Šodroš, as well as summarizing all events regarding the usurpation, destruction and seizure of the last natural oasis in Novi Sad, we have come close to the deadline for submitting the supplement to the Berne appeal. In the last days of January, we submitted the requested data to the Provincial Institute for Nature Protection. Since the group that prepared them agreed to provide the material free of charge, we felt an obligation also to inform the public of the fact that with the support of the Bird Protection and Study Society of Serbia and the Habiprot Association for Sustainable Development and Conservation of Natural Habitats of

Serbia, as well as the support from other independent biologists, we managed to map the locations of 213 strictly protected species in the Republic of Serbia in the subject area. Also, the list includes 164 species of birds, mammals and invertebrates that are on the annexes of the Berne Convention, and as many as 40 species of birds are in the Red Book of Birds of Serbia. It is important to point out that the total biodiversity of this area is estimated at over 3,000 species of plants and animals! At the same time, there is a handful of recorded material and authentic photographs.

27. During the second half of 2021 and the entire 2022, biodiversity research continued in the area of Dunavac, Šodroš, Kamenička Ada and Ribarsko ostrvo, with a focus on birds, mammals (bats), insects and fungi, conducted by several experts from Serbia and abroad in different annual seasons in order to improve the knowledge about the biodiversity of the area. Further in the appendix, we are listing news related to different groups, as well as details about the data (coordinates, dates, finders, numbers), and the source of information, and they are all provided in separate Excel documents. **BIRDS: 15 new species, 3 new nesters – a total of 154 recorded species! Attached here are 752 data on the distribution and number of birds in 3 Excel tables, one of which is a digitized article from 1989. (Marko Šćiban)**

28. Enclosure:

1. Table in Excel (21. Ptice ribarskog ostrva, Ciconia 1, 1989. (eng)
2. Table – Insekti (22. Ribarsko ostrvo i Kamenička ada INSEKTI podaci FINAL.xls (eng)
3. Table - 23. Šodroš spisak vrsta slepih miševa (eng)
4. Table- 16. Šodroš ribe
5. Table- 24.Šodroš spisak vrsta, sisari (eng)
6. Table- 25. Šodroš SUM baza Naturalist (eng)
7. Table- 25. Šodroš SUM slobodni podaci za Bern (eng)

List of annexes: Initiative for the protection of the natural public good of Kamenička Ada, Dunavac, Šodroš and Ribarsko ostrvo in Novi Sad

Appendix to the Initiative for the protection of the natural public good of Kamenička Ada, Dunavac, Šodroš and Ribarsko ostrvo in Novi Sad

During the second half of 2021 and the entire 2022, biodiversity research continued in the area of Dunavac, Šodroš, Kamenička Ada and Ribarsko ostrvo, with a focus on birds, mammals (bats), insects and fungi, conducted by several experts from Serbia and abroad in different annual seasons in order to improve the knowledge about the biodiversity of the area. Further in the appendix, we are listing news related to different groups, as well as details about the data (coordinates, dates, finders, numbers), and the source of information, and they are all provided in separate Excel documents.

BIRDS: 15 new species, 3 new nesters – a total of 154 recorded species! Attached here are 752 data on the distribution and number of birds in 3 Excel tables, one of which is a digitized article from 1989.

- **New species in the area:** gadwall (*Mareca strepera*), ruddy shelduck (*Tadorna ferruginea*), velvet scoter (*Melanitta fusca*), red-breasted merganser (*Mergus serrator*) purple heron (*Ardea purpurea*), black stork (*Ciconia nigra*), scops owl (*Otus scops*), common tern (*Sterna hirundo*), Eurasian skylark (*Alauda arvensis*), Eurasian treecreeper (*Certhia familiaris*), common redstart (*Phoenicurus phoenicurus*), common firecrest (*Regulus ignicapilla*), raven (*Corvus corax*), Eurasian penduline-tit (*Remiz pendulinus*), common linnet (*Carduelis cannabina*).
- **New nesters:** black woodpecker (*Dryocopus martius*), grey-headed woodpecker (*Picus canus*), scops owl (*Otus scops*), common redstart (*Phoenicurus phoenicurus*)
- **5 new species are entered in the Red Book of Fauna of Serbia – Birds** (*Melanitta fusca*, *Mergus serrator*, *Ardea purpurea*, *Ciconia nigra*, *Sterna hirundo*)
- **All 15 new species are found in appendices of the Berne Convention**
- **8 new species are found in appendices to the Directive on Birds**
- **14 new species are strictly protected in the Republic of Serbia, and only one has the status of a protected species** (*Corvus corax*)

Source of data: Bird Protection and Study Society of Serbia

MAMMALS, fauna together with bats has 29 species! Attached here are 38 data on the distribution and abundance of mammals in 2 Excel tables.

- 29. 9 types of bats for the area** (*Myotis daubentoni*, *Nyctalus noctula*, *Nyctalus leisleri*, *Pipistrellus pygmaeus*, *Pipistrellus nathusii*, *Pipistrellus kuhlii*, *Hypsugo savii*, *Eptesicus serotinus*, *Miniopterus schreibersii*), all protected by the Berne Convention, Bonn Convention, EUROBATS Convention and by the EU Habitats Directive. One species (*Miniopterus schreibersii*) has the status of a threatened species on the global IUCN list.
- 30. Known location of the beaver den** (*Castor fiber*)
- 31. 3 strictly protected species** (*Castor fiber*, *Micromys minutus*, *Muscardinus avellanarius*), **as well as 10 others with the protected species status** (*Arvicola amphibius*, *Lutra lutra*, *Vulpes vulpes*, *Martes foina*, *Mustela nivalis*, *Neomys anomalus*, *Sorex araneus*, *Talpa europaea*, *Erinaceus roumanicus*, *Sus scrofa*)

- 32. 9 species of mammals (without bats) are found in appendices of the Berne Convention** (*Castor fiber*, *Erinaceus roumanicus*, *Lutra lutra*, *Martes foina*, *Muscardinus avellanarius*, *Mustela nivalis*, *Neomys anomalus*, *Sorex araneus*, *Sus scrofa*)
- 33. 3 species (without bats) are found in appendices of the EU Habitats Directive** (*Castor fiber*, *Lutra lutra*, *Muscardinus avellanarius*)

Source of Data: Ekološki front Novi Sad

INVERTEBRATES, in addition to several dozens of registered species, among which insects dominate, we submit data for:

- 34. 16 strictly protected species** (*Acrida ungarica*, *Adalia bipunctata*, *Apatura metis*, *Cucujus cinnaberinus*, *Exochomus quadripustulatus*, *Lucanus cervus*, *Lycaena dispar*, *Mecostethus parapleurus*, *Nymphalis antiopa*, *Oryctes nasicornis*, *Papilio machaon*, *Pieris brassicae*, *Plebejus argyrognomon*, *Theophilea subcylindricollis*, *Unio crassus*, *Zaryntia polyxena*);
- 35. 5 species are found in Appendix II of the Berne Convention** (*Apatura metis*, *Cucujus cinnaberinus*, *Lucanus cervus*, *Lycaena dispar*, *Zaryntia polyxena*); 4 species are found in appendices to EU Habitats Directive (*Cucujus cinnaberinus*, *Lucanus cervus*, *Lycaena dispar*, *Zaryntia polyxena*).
- 36. 3 species of day butterflies are relevant for defining Prime Butterfly Areas**, i.e. Internationally important butterfly areas,

Source of data: HabiProt – Association for sustainable development and preservation of natural habitats of Serbia