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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

43<sup>rd</sup> meeting

Strasbourg, 28 November - 1 December 2023

**New Complaint: 2022/06**

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

**- GOVERNMENT REPORT -**

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

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Republic of Serbia  
MINISTRY OF ENVIRONMENTAL  
PROTECTION

Number: 337-00-00128/2022-04

Date: 19 January 2023

Belgrade

Council of Europe  
Biodiversity Department  
Secretariat of the Bern Convention  
F-67075 Strasbourg  
Ms. Ursula Sticker, Executive Secretary

**Subject: Report on Complaint No. 2022/06: New Complaint: Serbia: Possible negative impact of mining activities in Bosilegrad and in the Homolje Mt Region**

Dear Ms. Sticker,

On behalf of the Ministry of Environmental Protection, referring to the Request of the Secretariat of the Bern Convention dated 24 October 2022, pertaining to the Complaint No. 2022/6: New complaint: Serbia: Possible negative impact of mining activities in Bosilegrad and in the Homolje Mt Region, filed by the international non-governmental organisation "Earth Thrive" as the complainant together with the co-complainants: the community association "EkoKrajište" (Bosilegrad, Serbia), Kings College Legal Clinic (London, UK), "Balkanka" Association (Sofia, Bulgaria), as well as the citizen-organized environmental community organization "Mlavska vojska" (Serbia), the community association "Čuvari Homolja" (Serbia) and international non-profit organization "Earth Law Center" (United States of America) as co-complainants involved in the case pertaining to Mt Homolje Region, we hereby inform you of the following:

In accordance with the aforesaid Request, the Ministry of Environmental Protection, in its capacity as the competent authority monitoring the implementation of the Bern Convention in the Republic of Serbia, sent the Request for Statement No. 337-00-00128/2022-04 dated 15 November 2022 to the competent authorities and institutions, namely: the Ministry of Construction, Transport and Infrastructure, the Ministry of Mining and Energy, the Ministry of Agriculture, Forestry and Water Management, the Institute for Nature Conservation of Serbia, the Municipal Assembly of Bosilegrad and the Municipal Assembly of Žagubica, as well as instructed competent Departments within the Ministry of Environmental protection to deliver relevant reports.

I Based on the Statements received from the aforementioned authorities and institutions referring to the **possible negative impact of mining activities in Bosilegrad**, we hereby inform you as follows:

**1) The allegations stated in question 1**, claiming that the Republic of Serbia has violated Articles 2, 3.2, 4.1, 4.2 and 4.4 of the of the Bern Convention by failing to take appropriate and necessary legislative and administrative measures to protect wild flora and fauna species

(including those listed in Appendices I, II and III) and also endangered protected natural habitat due to the negative impact of mining activities carried out by Bosil Metal d.o.o. (copper, zinc and lead mine) from Bosilegrad, **are without merit** because of the following:

**The Ministry of Mining and Energy** in its Statement on Complaint No. 310-02-01812/2022-02 of 27.12.2022, asserts as follows:

The company Bosil Metal d.o.o. exploits lead and zinc ore deposits based on the following legally valid Decisions which are currently in force: **Decision on authorization of exploitation activities** No.: 310-02-00310/2021-02 of 01.07.2022 and **Decision on authorization of mining operations** No.: 310-02-00788/2009-06 of 05.02.2010, both in accordance with the Supplementary Mining Project for the exploitation of mineral deposits from Podvirovi ore field in Karamanica.

In addition, the company was **granted operations approval for a pilot plant** for technological testing of flotation processing of Cu-Pb-Zn ore, **which is no longer valid**, given that the deadline for the execution of works defined by the Decision on authorization of mining operations No. 310-02-00062/2017-02 of 25.10.2017 based on the Supplementary Mining Project of the pilot plant for technological testing of flotation processing of Cu-Pb-Zn ore from the ore deposits Podvirovi and Popovica in Karamanica has expired. Pursuant to then-valid Law on Mining and Geological Exploration (Official Gazette of the Republic of Serbia No. 101/2015), the documentation prescribed by Article 103 was submitted with the application, including the required approval of the Ministry of Agriculture and Environmental Protection No. 353-02-497/2017-16 of 25.09.2017, asserting that development of the Environmental Impact Assessment Study for the Supplementary Mining Project of the pilot plant for technological testing of flotation processing of Cu-Pb-Zn ore from the ore deposits Podvirovi and Popovica in Karamanica was not required. Pertaining to the enacting clause of the decision authorizing carrying out of mining works, a deadline of 3 years was set for the performance of mining works defined by relevant project documentation. On 30.10.2020, the company submitted a request for an extension of the deadline stipulated in the enacting clause of the mentioned decision, however, the request was denied and the deadline for the performance of mining works was not extended based on this decision.

Regarding the matters falling under the scope of work of the Republic Environmental Protection Inspection, we inform you that the Republic Environmental Protection Inspection controls the operations of the company Bosil-Metal d.o.o. from Bosilegrad, by performing inspections and regular monitoring of the implementation of environmental protection measures and conditions prescribed by the Environmental Impact Assessment Study for "Podvirovi - Karamanica" mine reconstruction project, which was approved by the ministry responsible for environmental protection.

Furthermore, in the previous period, the Republic Inspection for Environmental Protection carried out inspections of the mentioned company's operations, specifically the implementation of environmental protection measures prescribed by the Decision determining that development of the Environmental Impact Assessment Study for the Supplementary Mining Project of the pilot plant for technological testing of flotation processing of Cu-Pb-Zn ore from the ore deposits Podvirovi and Popovica in Karamanica, municipality of Bosilegrad, was not required. After the expiration of the three-year period set in the aforementioned Decision, the Republic Environmental Protection Inspector issued Decision No. 480-501-00133/2/2019-07 dated 25. 11. 2019, thus prohibiting carrying out of flotation processes in the said plant.

On 22.07.2022, during performance of the regular inspection/supervision activities on the site of "Podvirovi" and "Popovica" mines in Karamanica, municipality of Bosilegrad, **the Republic Inspection of Environmental Protection** of the Ministry of Environmental Protection found that the company Bosil - metal d.o.o. from Bosilegrad did not implement the environmental impact monitoring programme prescribed by Chapter 8 of the Environmental Impact Assessment Study of "Podvirovi-Karamanica" mine reconstruction project approved based on Decision No. 353-02-1019/2008-02 of 08.06.2009 issued by the Ministry of Environment and Spatial Planning. Given that Bosil - metal d.o.o. from Bosilegrad did not

implement the prescribed environmental impact monitoring programme which refers to monitoring air quality and measuring noise in the environment, the Republic Inspector for Environmental Protection by Decision No. 924-480-501-00071/2022-07 of 19. 08. 2022, imposed measures to the company in question thus ordering that the company remedies the established noncompliance. In addition, on 19. 09. 2022, a petition to initiate misdemeanor proceedings before the competent misdemeanor court against the business entity Bosil Metal d.o.o. from Bosilegrad was filed.

It should be noted that at regular intervals, more specifically four times a year, regular tests of the quality of water, air, and sludge are carried out by authorized organizations (Institute of Public Health Vranje - Center for Hygiene and Human Ecology, and other relevant services), accordingly, the findings and expert opinions are duly submitted to the Ministry and inspection bodies. The results of absolutely all tests show that at on the site and in the vicinity of the pilot plant, the maximum allowed values/limits were not exceeded for any of the analyzed samples.

2) **The Ministry of Agriculture, Forestry and Water Management, Republic Water Management Directorate** in its Statement on Complaint No.: 325-01-1017/2022-07 of 15. 12. 2022, states that this institution pertaining to its competencies issued the following water legislation documents:

- **Water Criteria No. 325-05-00314/2022-07 of 06.05.2022**, issued at the request of the company Bosil Metal d.o.o. in the process of preparing and developing technical documentation for the implementation of the project of expanding the boundaries of the exploitation field in order to build a plant for flotation processing of Cu-Pb-Zn ore from ore deposits "Podvirovi" and "Popovica – Crnjev kamen" on the territory of Karamanica, municipality of Bosilegrad;

- **Water Criteria No. 325-05-00709/2022-07 of 20.10.2022**, issued at the request of the company Bosil Metal d.o.o. in the process of preparing and developing technical documentation for the implementation of the project of expanding the boundaries of the exploitation field of "Bosil - Metal" mine, ore field "Podvirovi" and "Popovica – Crnjev kamen" on the territory of Karamanica, municipality of Bosilegrad;

- **Water Approval No. 325-04-462/2019-07 of 16.11.2020**, issued at the request of the company Bosil Metal d.o.o. for the Supplementary Mining Project of the pilot plant for technological testing of flotation processing of Cu-Pb-Zn ore from the ore deposits Podvirovi and Popovica in Karamanica concerning the construction of the water intake structure on Bezimeni Potok.

The Water Permit determines the manner, conditions and scope of water use, the manner, conditions and scope of wastewater discharge, storage and discharge of hazardous and other substances that may pollute water, as well as conditions for other works affecting the water regime.

The Water Approval is issued based on the technical documentation on the basis of which the mining works are carried out and approval for exploitation obtained. The water approval verifies that the technical documentation is developed in accordance with the issued water criteria.

3) **The Institute for Nature Conservation of Serbia** submitted its Statement on Complaint No. 025-4042/2 of 28.12.2022, asserting as follows:

In the period from 2006 to 2021, the Institute for Nature Conservation of Serbia issued seven acts which prescribe nature protection conditions for geological exploration in the area of Karamanica near Bosilegrad. The aforementioned acts, in addition to requirements and conditions for the protection and conservation of wild flora and fauna and their habitats, also prescribe requirements and conditions for preventing water, air and soil pollution.

The answer to question: "Which are the specific species or type(s) of habitats included in one of the Appendices of the Bern Convention potentially affected?" (listed in Exhibit II and Exhibit VI to the Complaint) is as follows:

Two types of habitats that are widespread on the territory of Serbia were identified within the geological exploration area in Karamanica and in its immediate surroundings - mountain

Moesian beech forests (*Fagus moesiaca*) and siliceous grasslands. The Institute had this fact in mind when issuing nature protection conditions for geological exploration on the territory of Karamanica;

Amphibian and reptile species are indeed potentially endangered as they are dependent on the aquatic environments, i.e., the water bodies, where wastewater is planned to be discharged; reptiles are dependent on the mentioned water bodies for food (grass snake and dice snake), while amphibians are dependent on these aquatic environments because of their reproductive cycle. In addition to habitat destruction, important endangering factors include intersection of migration routes due to infrastructure construction (traffic-related deaths), as well as habitat fragmentation which results in the isolation of certain groups of the species population in smaller enclaves (metapopulations), thus potentially endangering their survival in the long-term period.

- In terms of the mammal species listed in Exhibit VI of the Complaint, it is established as follows:

Based on the available data kept by the Institute for Nature Conservation of Serbia, the species: common bent-wing bat (*Miniopterus schreibersii*), common noctule (*Nyctalus noctula*), greater horseshoe bat (*Rhinolophus ferrumequinum*), lesser horseshoe bat (*Rhinolophus hipposideros*), Savi's pipistrelle (*Hypsugo savii*), western barbastelle (*Barbastella barbastellus*), greater mouse-eared bat (*Myotis myotis*), mound-building mouse (*Mus spicilegus*), Balkan lynx (*Lynx lynx martinoi*) and red deer (*Cervus elaphus*), neither inhabit nor occur at the site of "Karamanica" mine, as well as in the wider surrounding area;

The following species: hedgehog (*Erinaceus roumanicus*), mole (*Talpa europaea*), hare (*Lepus europaeus*), squirrel (*Sciurus vulgaris*), edible dormice (*Glis glis*), fox (*Vulpes vulpes*), pine marten (*Martes martes*), badger (*Meles meles*), wildcat (*Felis silvestris*), wild boar (*Sus scrofa*) and roe deer (*Capreolus capreolus*) are listed in Appendix III to the Bern Convention and thus hold the status of "protected wild species" at the national level. These species are relatively widespread on the territory of Serbia. The area in question is not an area of special interest for preservation of favourable conservation status for any of the aforementioned species;

The species wolf (*Canis lupus*) is listed in Appendix II to the Bern Convention. In the process of acceding to the Bern Convention and adoption of its provisions thereof, Serbia expressed certain reservations regarding the status of the wolf as a "strictly protected fauna species"; thus, at the national level and in accordance with the national legislation this species holds the status of "protected wild species". The wolf species is widely distributed across Serbia, with stable and moderately positive (increasing) population trend. The area in question is not an area of special interest for preservation of favourable conservation status for wolves in Serbia;

Other specified species of rodents do not hold any special status neither under the terms of the Bern Convention nor at the level of national legislation;

Bird species: the semicollared flycatcher (*Ficedula semitorquata*) listed in Exhibit IV of the Complaint is a species that has the westernmost species distribution limit in the southern and eastern parts of Serbia. Pčinja River Valley, Vlasina River Valley, Jerma River Valley, mountain Stara Planina and mountain Jastrebac are the only locations where this sparse species breeds. The estimated size of this bird's population in Serbia is from 100 to 150 pairs (Red Book of Fauna of Serbia III - Birds). The semicollared flycatcher is classified in the extinction risk category of Near Threatened (NT). This species prefers mature deciduous forests (mountain beech and other deciduous tree species). The main endangering factors affecting this species include: devastation of deciduous forests, excessive canopy thinning and the excessive cutting of rotten and damaged trees in which this species nests. Having reviewed the Institute's database, it was found that the semicollared flycatcher was registered in the municipality of Bosilegrad, in the catchment area of Bresnica river, a tributary of Dragovištica River in cadastral municipality Mlekominici;



In addition, please take note of the fact that Birdlife international in cooperation with its partners in Serbia declared new internationally important bird areas in 2020 on the territory of the Republic of Serbia, hence including IBA "Dukat". During the implementation of the IPA 2016 EU for Serbia - Project "Continued support to the implementation of Chapter 27 in the field of nature conservation (NATURA 2000)", the IBA "Dukat" was nominated for the special protection area under the code pSPA044 - Dukat (total area: 42468 ha). Detailed information on the values identified in this area can be found at: <https://daphne.sk/Natura2000Serbia/pspa044f.html>.

The answer to question: "Do you know if potentially affected species or habitat(s) also fall under the scope of other international Conventions", is as follows:

The Habitats Directive lists the following:

- wolf (*Canis lupus*) and wildcat (*Felis silvestris*) - Annex II, IV; European pine marten (*Martes martes*) - Annex V;
- eight bird species are listed in the Annex I of the Birds Directive: black woodpecker (*Dryocopus martius*), grey-headed woodpecker (*Picus canus*), corn crane (*Crex crex*), woodlark (*Lullula arborea*), red-backed shrike (*Lanius collurio*), barred warbler (*Sylvia nisoria*), white-backed woodpecker (*Dendrocopos leucotos*), hazel grouse (*Bonasa bonasia*) and semicollared flycatcher (*Ficedula semitorquata*);
- five species are listed in the Appendix II of the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention; CMS): common quail (*Coturnix coturnix*), semicollared flycatcher (*Ficedula semitorquata*), golden eagle (*Aquila chrysaetos*), corn crane (*Crex crex*) and barred warbler (*Sylvia nisoria*);
- as well as nine species listed in Appendix II of the Bern Convention (strictly protected species): golden eagle (*Aquila chrysaetos*), black woodpecker (*Dryocopus martius*), grey-headed woodpecker (*Picus canus*), corn crane (*Crex crex*), woodlark (*Lullula arborea*), red-backed shrike (*Lanius collurio*), barred warbler (*Sylvia nisoria*), white-backed woodpecker (*Dendrocopos leucotos*) and semicollared flycatcher (*Ficedula semitorquata*); and
- and two species listed in Appendix III of the Bern Convention (protected species): hazel grouse (*Bonasa bonasia*), common quail (*Coturnix coturnix*).

4) **The Ministry of Environmental Protection** performs tasks pertaining to environmental impact assessment and strategic environmental assessment in the following manner:

In accordance with Article 14 of the Law on Environmental Impact Assessment, the Ministry of Environmental Protection adopted a **Decision No. 353-02-2039/2021-03 dated 26 November 2021, determining the scope and content of the Environmental Impact Assessment Study for the project of exploitation of Cu, Pb, Zn ore from the "Podvirovi" and "Popovica" deposits** in the Karamanica area near Bosilegrad (including the ore processing plant and the flotation tailing dump), which is an integral part of the accompanying documentation submitted to the Ministry of Mining and Energy together with the Exploitation Approval Request.

The Decision determining the scope and content of the Environmental Impact Assessment Study for the project, obliges the project developer to provide within the EIA Study descriptions of:

- potential effects on surface and groundwater on the territory of the Republic of Bulgaria;
- potential environmental effects of the planned mining-processing complex in the potentially affected areas on: surface and groundwater, secondary pollution, as well as potential impact on areas of water protection, with the aim of establishing adequate and binding measures for the protection of environment and human health;
- description of the Environmental Impact Monitoring Program and the environmental "auditing" and monitoring, in cooperation with the accredited laboratories responsible for the

quality of monitoring and preparation of materials for consideration as well as for control of the results obtained;

In accordance with Article 3 of the Law on the Ratification of the Convention on Environmental Impact Assessment in a Transboundary Context, **the Ministry of Environmental Protection, on behalf of the Republic of Serbia, conducted cross-border consultations with the Ministry of Environment and Water of the Republic of Bulgaria.**

In the course of environmental impact assessment procedure for the project in question in the Republic of Bulgaria, the Ministry of Environment and Water submitted to the Ministry of Environmental Protection document No. ИБ-735 dated 29.09. 2021. and expressed willingness to participate in the cross-border EIA (Environmental Impact Assessment) procedure for the new Bosil-metal the project, Bosilegrad , in order to monitor the possible impact of activities on the environment in potentially affected areas, according to the opinions of Bulgarian institutions and the interested public.

**II** Based on the statements received from the previously mentioned authorities and organizations, regarding the complaint related to the possible negative impact of mining activities in the mining area of Homolje, we inform you of the following:

1) **The Ministry of Mining and Energy**, in Statement No. 353-03-00043/52/2022-01 dated 5.12.2022. stated the following:

**In the period from 2006-2021**, the Canadian company "Dundee precious metals" through its company DPM Avala d.o.o. from Belgrade, carried out **geological research of gold and associated metals** (Ag, Sg, Rb, Zn) in the area of Potaj Čuka-Tisanica near Žagubica. The project is currently in the phase of maintaining the exploration approval.

The Republic inspector for geological activities carried out a regular control of the research area "Potaj Čuka-Tisanica" on 6.12.2021. when no illegality or irregularity was established.

2): Statement number: 325-01-1017/2022-07, of 15.12.2022, submitted by **the Ministry of Agriculture, Forestry and Water Management**, the Republic Water Directorate, lists the following water legislation documents, within their competency, that had been issued:

- **Water approval** No. 325-04-00685/2021-07 of 10.08.2021., issued at the request of the Institute of Mining and Metallurgy Bor, regarding the Main Mining Project of Calcite Exploitation at the "Potaj Čuka" deposit near Žagubica.

- **Water criteria** No. 325-05-00913/2021-07 of 01.11.2021., issued at the request of the Ministry of Construction, Transport and Infrastructure in the process of preparing and drafting the Spatial Plan for the Special Purpose Area for gold exploitation at the research area "Potaj Čuka-Tisanica".

3) In their Statement No. 351-01-3904/2022-11 of 16.01.2023., the **Ministry of Construction, Transport and Infrastructure** states that the Government of the Republic of Serbia adopted a **Decision on Developing the Spatial Plan for the Special Purpose Area for gold exploitation at the research area "Potaj Čuka-Tisanica" near Žagubica** (Official Gazette of RS, No. 64/21). Bearing in mind that planning documentation is still being prepared, there is currently no planning basis for the exploitation of mineral resources at this research site. The preparation of planning documentation also includes the preparation of appropriate documents relating to strategic environmental impact assessment, so that relevant public consultation process could be carried out in a qualified and reasoned manner, involving the interested public, in accordance with the law, and assessing possible negative impacts on the environment in the best practicable manner.

3) **The Institute for Nature Conservation of Serbia** submitted its Statement on Complaint No. 025-4042/2 of 28.12.2022, asserting as follows:

The answer to question: "Which are the specific species or habitat(s) included in one of the Appendices of the Bern Convention potentially affected?" and which are listed in "Exhibit VI" of this Complaint, is as follows:

Habitat types listed in Exhibit VI "List of endangered natural habitats using the EUNIS classification" of this Complaint are significant for Homolje region and the whole of Serbia, however, not all of the listed types occur within the prospecting areas where geological

exploration has been or is still being conducted. The Institute had this fact in mind when issuing nature protection conditions for geological exploration and other relevant activities on Mt Homolje;

Amphibian and reptile species are indeed potentially endangered as they are dependent on the aquatic environments, i.e., the water bodies, where wastewater is planned to be discharged; reptiles are dependent on the mentioned water bodies for food (grass snake and dice snake), while amphibians are dependent on these aquatic environments because of their reproductive cycle. In addition to habitat destruction, important endangering factors include intersection of migration routes due to infrastructure construction (traffic-related deaths), as well as habitat fragmentation which results in the isolation of certain groups of the species population in smaller enclaves (metapopulations), thus potentially endangering their survival in the long-term period;

In terms of the mammal species listed in Exhibit VI of the Complaint, it is established as follows:

Based on the available data kept by the Institute for Nature Conservation of Serbia, the species mound-building mouse (*Mus spicilegus*) does not inhabit the area where the construction of the mine is planned, nor the wider surrounding area;

Species such as: northern white-breasted hedgehog (*Erinaceus roumanicus*), European mole (*Talpa europaea*), European hare (*Lepus europaeus*), red squirrel (*Sciurus vulgaris*), European edible dormouse (*Glis glis*), red fox (*Vulpes vulpes*), pine marten (*Martes martes*), European badger (*Meles meles*), wildcat (*Felis silvestris*), wild boar (*Sus scrofa*), red deer (*Cervus elaphus*) and roe deer (*Capreolus capreolus*) are listed in Appendix III of the Bern Convention, and accordingly, at the national level, they are categorized as "protected wild species". These are species of relatively wide distribution on the territory of Serbia. The area of Homolje is an important habitat of red deer (*C. elaphus*) and a part of a much wider species distribution area in the eastern part of Serbia. The mine zone itself and the area in question do not represent an area of special importance for preserving a favourable conservation status for any of the listed species;

The Eurasian lynx (*Lynx lynx*) is also listed in Appendix III of the Bern Convention, and at the national level it holds the status of "strictly protected wild species". The area of Homolje is situated within a much wider range of the species distribution area in eastern Serbia. The zone of the planned mine itself is not an area of special importance for preserving the favourable conservation status of the species;

The wolf (*Canis lupus*) and brown bear (*Ursus arctos*) are listed in Appendix II of the Bern Convention. During accession and adoption of the provisions of the Bern Convention, Serbia expressed a reservation regarding the status of strict protection for the wolf, and accordingly, at the national level, the species has the status of "protected wild species". It has a relatively wide distribution on the territory of Serbia, with stable and slightly positive (increasing) population trends. The area of Homolje is an important wolf habitat in eastern Serbia, but the mine area is not considered an area of special importance for preserving a favourable conservation status in Serbia. The brown bear has the status of "strictly protected wild species" at the national level. The area of Homolje is currently an area where individuals of the species are occasionally observed and registered. The zone of the planned mine is not considered an area of special importance for preserving the favourable conservation status of the species in Serbia;

Bats: common bent-wing bat (*Miniopterus schreibersii*), common noctule (*Nyctalus noctula*), greater horseshoe bat (*Rhinolophus ferrumequinum*), lesser horseshoe bat (*Rhinolophus hipposideros*), Savi's pipistrelle (*Hypsugo savii*), western barbastelle (*Barbastella barbastellus*), greater mouse-eared bat (*Myotis myotis*), are listed in Appendix II of the Bern Convention. At the national level, they hold the status of "strictly protected wild species". Although the area of eastern Serbia is a zone with high level of diversity of bat fauna, the zone of the planned mine itself does not represent an area of special importance for preserving the favourable conservation status of the species in Serbia, nor is it a significant endangering factor;

Other species of rodents that are mentioned do not hold any special status neither under the terms of the Bern Convention nor at the level of national legislation.



The species of birds specified in question No. 2, as well as included in the list found at the link provided in the Complaint, do not match; also, many of the species specified in the text box are related to large water bodies and waterway corridors, which do not exist in Homolje region. In addition, many species included in the list are common in Serbia - such as members of crow family which are widespread and abundant across Serbia, therefore their survival in Homolje region, as well as Serbia, is not threatened. In particular, the submitted list containing 82 species of birds includes 6 nationally endangered species: grey partridge, turtle dove, Eurasian eagle-owl, short-toed snake eagle, goshawk and white-backed woodpecker. In the category of Vulnerable Species (VU) according to IUCN classification are: partridge (*Perdix*), European turtle dove (*Streptopelia turtur*) and white-backed woodpecker (*Dendrocopos leucotos*). Near threatened species (NT) according to the IUCN classification are: northern goshawk (*Accipiter gentilis*), Eurasian eagle-owl (*Bubo bubo*) and short-toed snake eagle (*Circaetus gallicus*). Furthermore, one should be careful when assessing species threat status, since some of the aforementioned species are facing more threats than others; in addition, certain species' population loss is irreplaceable. This primarily applies to the gold eagle and peregrine falcon occupying the wider area surrounding Homolje region, since the populations of these birds are declining in eastern Serbia and the chances for their recovery are small. On the other hand, species such as partridge, woodcocks and hawks, in addition to being endangered game species, face habitat loss, as well as other challenges. All other species specified in the list provided in the Complaint are categorized as LC (least concern) in accordance with the Red Book of Fauna of Serbia III – Birds.

With reference to the question: "What might be the negative effects for the species or habitat(s) involved", we would like to point out the following:

In the period from 2006 to present date, the Institute for Nature Conservation of Serbia issued seven acts which prescribe nature protection conditions for geological exploration and prospecting in Homolje region. The aforementioned acts, in addition to requirements and conditions for the protection and conservation of wild flora and fauna, also prescribe requirements and conditions for preventing water, air and soil pollution.

Habitat types listed in Exhibit VI "List of endangered natural habitats using the EUNIS classification" of this Complaint are significant for Homolje region and the whole of Serbia, however, not all of the listed types occur within the prospecting areas where geological exploration has been or is still being conducted. The Institute had this fact in mind when issuing nature protection conditions for geological exploration and other relevant activities on Mt Homolje;

The answer to question: "Do you know if potentially affected species or habitat(s) also fall under the scope of other international Conventions", is as follows:

The Habitats Directive lists the following:

Species and types of habitats mentioned in Complaint No. 2 are significant for the area of Homolje and the whole of Serbia, however, not all of them occur within the investigation areas where geological investigations have been or are still being conducted. The Institute had this fact in mind when issuing nature protection conditions for geological exploration and related activities on Mount Homolje;

Wolf (*Canis lupus*), brown bear (*Ursus arctos*), lynx (*Lynx lynx*) and wildcat (*Felis silvestris*) - Annex II, IV; golden marten (*Martes martes*) - Annex V;

Common bent-wing bat (*Miniopterus schreibersii*), common noctule (*Nyctalus noctula*), greater horseshoe bat (*Rhinolophus ferrumequinum*), lesser horseshoe bat (*Rhinolophus hipposideros*), Savi's pipistrelle (*Hypsugo savii*), western barbastelle (*Barbastella barbastellus*), greater mouse-eared bat (*Myotis myotis*) - Annex II, IV;

Bird species listed in Annex I of the Birds Directive, which are included in the list are: hazel grouse (*Bonasa bonasia*), Eurasian eagle-owl (*Bubo bubo*), European nightjar (*Caprimulgus europaeus*), short-toed snake eagle (*Circaetus gallicus*), white-backed woodpecker (*Dendrocopos leucotos*), black woodpecker (*Dryocopus martius*), collared flycatcher (*Ficedula albicollis*), red-backed shrike (*Lanius collurio*), middle spotted woodpecker (*Leucopicus medius*),

woodlark (*Lullula arborea*), European honey buzzard (*Pernis apivorus*), grey-headed woodpecker (*Picus canus*) and barred warbler (*Sylvia nisoria*);

Species listed in Appendix II of the Bern Convention are: *Accipiter gentilis*, *Accipiter nisus*, *Aegithalos caudatus*, *Anthus trivialis*, *Asio otus*, *Bubo bubo*, *Buteo buteo*, *Caprimulgus europaeus*, *Certhia brachydactyla*, *Circaetus gallicus*, *Dendrocopos leucotos*, *Dendrocopos major*, *Dryobates minor*, *Dryocopus martius*, *Erithacus rubecula*, *Falco subbuteo*, *Ficedula albicollis*, *Hirundo daurica*, *Hirundo rustica*, *Jynx torquilla*, *Lanius collurio*, *Leiopicus medius*, *Luscinia megarhynchos*, *Merops apiaster*, *Motacilla alba*, *Motacilla cinerea*, *Muscicapa striata*, *Oriolus oriolus*, *Otus scops*, *Parus ater*, *Parus caeruleus*, *Parus lugubris*, *Parus major*, *Parus palustris*, *Pernis apivorus*, *Phoenicurus ochruros*, *Phylloscopus collybita*, *Picus canus*, *Picus viridis*, *Regulus regulus*, *Saxicola rubetra*, *Sitta europaea*, *Strix aluco*, *Sylvia atricapilla*, *Sylvia borin*, *Sylvia communis*, *Sylvia curruca*, *Sylvia nisoria*, *Troglodytes troglodytes*;

Species listed in Appendix III of the Bern Convention are: *Bonasa bonasia*, *Corvus corax*, *Cuculus canorus*, *Fringilla coelebs*, *Lullula arborea*, *Passer montanus*, *Perdix perdix*, *Phasianus colchicus*, *Scelopax rusticola*, *Streptopelia turtur*, *Turdus merula*, *Turdus philomelos*, *Turdus viscivorus*.

However, Birdlife international in cooperation with its partners in Serbia declared new internationally important bird areas in 2020 on the territory of the Republic of Serbia, hence including IBA "Homolje". This area was identified as the internationally important bird area due to the presence of the following species: white-backed woodpecker (*Dendrocopos leucotos*), black woodpecker (*Dryocopus martius*), collared flycatcher (*Ficedula albicollis*), red-breasted flycatcher (*Ficedula parva*), grey-headed woodpecker (*Picus canus*), marsh tit (*Poecile palustris*) and Ural owl (*Strix uralensis*). During the implementation of the IPA 2016 EU for Serbia - Project "Continued support to the implementation of Chapter 27 in the field of nature conservation (NATURA 2000)", the aforementioned area was nominated for the special protection area under the code pSPA053 – Kučaj - Beljanica (total area: 113913 ha). Detailed information on bird species occurring in this important bird area can be found at: <https://daphne.sk/Natura2000Serbia/pspa053f.html>;

The species occurring on the territory of Homolje region that also fall under the scope of the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention; CMS) and are listed in the Appendix II to this Convention, include: common bent-wing bat (*Miniopterus schreibersii*), common noctule (*Nyctalus noctula*), greater horseshoe bat (*Rhinolophus ferrumequinum*), lesser horseshoe bat (*Rhinolophus hipposideros*), Savi's pipistrelle (*Hypsugo savii*), western barbastelle (*Barbastella barbastellus*) and greater mouse-eared bat (*Myotis myotis*).

We also wish to inform you that the company "Dundee Precious Metals" has not yet submitted a single request concerning the mentioned project that would require the application of the Law on Environmental Impact Assessment (Official Gazette of RS, No. 135/04, 36 /09).

4) **The municipal administration of the municipality of Žagubica** submitted Statement number IV-01-07-1495/22 dated 07.12.2022. stating that the existing Spatial Plan of the municipality of Žagubica allowed geological research at the location in question.

Please find enclosed copies of the mentioned documents translated into English.

Whilst looking forward to your kindest response, we wish to thank the Bureau in advance for their thorough consideration of this report.

Sincerely,

**ANNEX I**  
**REPORT BY THE INSTITUTE OF NATURE CONSERVATION**

03      025-4042/2  
          28. 12. 2022

*MINISTRY OF ENVIRONMENTAL  
PROTECTION  
11070 NOVI BEOGRAD  
Omladinskih brigada 1*

Acting upon your request no. 337-00-00128/2022-04 of 15.11.2022, filed with the Institute for Nature Conservation of Serbia under the code 03 No. 025-4042/1 dated 28.11.2022, pertaining to the “Complaint No. 2022/06: New Complaint: Serbia: Possible negative impact of mining activities in Bosilegrad and in the Homolje Mt region” for the purpose of submitting the Institute’s answers to the Secretariat of the Bern Convention (Council of Europe), the Institute for Nature Conservation of Serbia states the following:

- “Complaint No. 2022/06: New Complaint: Serbia: Possible negative impact of mining activities in Bosilegrad and in the Homolje Mt region” actually consists of two complaints:

1. Complaint No. 1 pertaining to the possible negative impact of mining activities in Bosilegrad, filed by the international non-governmental organisation “Earth Thrive” and the co-complainants: the community association “EkoKrajište” (Bosilegrad, Serbia), Kings College Legal Clinic (London, UK) and “Balkanka” Association (Sofia, Bulgaria).

The aforementioned complainant and co-complainants allege that mining activities carried out at “Karamanica” ore field violate provisions of the Bern Convention.

2. Complaint No. 2 pertaining to the possible negative impact of mining activities in Homolje Mountains Region, filed by the international non-governmental organisation “Earth Thrive” and the co-complainants: the citizen-organized environmental community organization “Mlavska vojska” (Serbia), the community association “Čuvari Homolja” (Serbia) and international non-profit organization “Earth Law Center” (United States of America).

The aforementioned complainant and co-complainants allege that the approval of the mining project and construction of a mine in Homolje Mountains Region, which is a part of the “Timok Gold Project” and implemented by the Canadian company “Dundee Precious Metals (DPM)”, would violate provisions of the Bern Convention.

Having carefully examined the Central Register of Protected Natural Resources and the relevant database kept by the Institute for Nature Conservation of Serbia, and in accordance with your request, the Institute informs you of the following:

The answer to question No. 2 regarding Complaint No. 1: “Which are the specific type(s) of habitats included in one of the Appendices of the Bern Convention potentially affected?” (listed in Exhibit II and Exhibit VI to this Complaint) is as follows:

- species of wild flora and types of habitats listed in Exhibit II and Exhibit VI of this Complaint are important elements of the biodiversity of Bosilegrad and its surrounding area, as well as the whole of Serbia. Habitat types contained in Annex I of Resolution 4 of the Bern Convention, which are listed in the Exhibits, are found in wider area surrounding the site in question (Dukat Mountain and Dragovištica River with its tributaries). Two types of habitats that are widespread on the territory of Serbia were identified within the geological exploration area and in its immediate surroundings - mountain Moesian beech forests (*Fagus moesiaca*) and siliceous grasslands. The Institute had this fact in mind when issuing nature protection conditions for geological exploration on the territory of Karamanica;
- amphibian and reptile species are indeed potentially endangered as they are dependent on the aquatic environments, i.e., the water bodies, where wastewater is planned to be discharged; reptiles are dependent on the mentioned water bodies for food (grass snake and dice snake), while amphibians are dependent on these aquatic environments because of their reproductive cycle. In addition to habitat destruction, important endangering factors include intersection of migration routes due to infrastructure construction (traffic-related deaths), as well as habitat fragmentation which results in the isolation of certain groups of the species population in smaller enclaves (metapopulations), thus potentially endangering their survival in the long term period.
- In terms of the mammal species listed in Exhibit VI of the Complaint, it is established as follows:
  - based on the available data kept by the Institute for Nature Conservation of Serbia, the species: common bent-wing bat (*Miniopterus schreibersii*), common noctule (*Nyctalus noctula*), greater horseshoe bat (*Rhinolophus ferrumequinum*), lesser horseshoe bat (*Rhinolophus hipposideros*), Savi's pipistrelle (*Hypsugo savii*), western barbastelle (*Barbastella barbastellus*), greater mouse-eared bat (*Myotis myotis*), mound-building mouse (*Mus spicilegus*), Balkan lynx (*Lynx lynx martinoi*) and red deer (*Cervus elaphus*), neither inhabit nor occur at the site of “Karamanica” mine, as well as in the wider surrounding area;
  - the following species: hedgehog (*Erinaceus roumanicus*), mole (*Talpa europaea*), hare (*Lepus europaeus*), squirrel (*Sciurus vulgaris*), edible dormice (*Glis glis*), fox (*Vulpes vulpes*), pine marten (*Martes martes*), badger (*Meles meles*), wildcat (*Felis silvestris*), wild boar (*Sus scrofa*) and roe deer (*Capreolus capreolus*) are listed in Appendix III to the Bern Convention and thus hold the status of “protected wild species” at the national level. These species are relatively widespread on the territory of Serbia. The area in question is not an area of special interest for preservation of favourable conservation status for any of the aforementioned species;
  - the species wolf (*Canis lupus*) is listed in Appendix II to the Bern Convention. In the process of acceding to the Bern Convention and adoption of its provisions thereof, Serbia expressed certain reservations regarding the status of the wolf as a “strictly protected fauna species”; thus, at the national level and in accordance with the national legislation this species holds the status of “protected wild species”. The wolf species is widely distributed across Serbia, with stable and moderately positive (increasing) population trend. The area in question is not an area of special interest for preservation of favourable conservation status for wolves in Serbia;
- other specified species of rodents do not hold any special status neither under the terms of the Bern Convention nor at the level of national legislation;
- bird species: the semicollared flycatcher (*Ficedula semitorquata*) listed in Exhibit IV of the Complaint is a species that has the westernmost species distribution limit in the southern and eastern parts of Serbia. Pčinja River Valley, Vlasina River Valley, Jerma River Valley, mountain Stara Planina and mountain Jastrebac are the only locations where this sparse species breeds. The estimated size of this bird's population in Serbia is from 100 to 150 pairs (Red Book of Fauna of Serbia III - Birds). The semicollared flycatcher is classified in the extinction risk category of Near Threatened (NT). This species

prefers mature deciduous forests (mountain beech and other deciduous tree species). The main endangering factors affecting this species include: devastation of deciduous forests, excessive canopy thinning and the excessive cutting of rotten and damaged trees in which this species nests. Having reviewed the Institute's database, it was found that the semicollared flycatcher was registered in the municipality of Bosilegrad, in the catchment area of Bresnica river, a tributary of Dragovištica River in cadastral municipality Mlekominci;

In addition, Birdlife international in cooperation with its partners in Serbia declared new internationally important bird areas in 2020 on the territory of the Republic of Serbia, hence including IBA "Dukat". During the implementation of the IPA 2016 EU for Serbia - Project "Continued support to the implementation of Chapter 27 in the field of nature conservation (NATURA 2000)", the IBA "Dukat" was nominated for the special protection area under the code pSPA044 - Dukat (total area: 42468 ha). Detailed information on the values identified in this area can be found at: <https://daphne.sk/Natura2000Serbia/pspa044f.html>.

With reference to question No. 3: "What might be the negative effects for the species or habitat(s) involved", we would like to point out the following:

In the period from 2006 to 2021, the Institute for Nature Conservation of Serbia issued seven acts which prescribe nature protection conditions for geological exploration in the area of Karamanica near Bosilegrad. The aforementioned acts, in addition to requirements and conditions for the protection and conservation of wild flora and fauna and their habitats, also prescribe requirements and conditions for preventing water, air and soil pollution.

The answer to question No. 4: "Do you know if potentially affected species or habitat(s) also fall under the scope of other international Conventions", is as follows:

The Habitats Directive lists the following:

- wolf (*Canis lupus*) and wildcat (*Felis silvestris*) - Annex II, IV; European pine marten (*Martes martes*) - Annex V;
- eight bird species are listed in the Annex I of the Birds Directive: black woodpecker (*Dryocopus martius*), grey-headed woodpecker (*Picus canus*), corn crake (*Crex crex*), woodlark (*Lullula arborea*), red-backed shrike (*Lanius collurio*), barred warbler (*Sylvia nisoria*), white-backed woodpecker (*Dendrocopos leucotos*), hazel grouse (*Bonasa bonasia*) and semicollared flycatcher (*Ficedula semitorquata*);
- five species are listed in the Appendix II of the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention; CMS): common quail (*Coturnix coturnix*), semicollared flycatcher (*Ficedula semitorquata*), golden eagle (*Aquila chrysaetos*), corn crake (*Crex crex*) and barred warbler (*Sylvia nisoria*);
- as well as nine species listed in Appendix II of the Bern Convention (strictly protected species): golden eagle (*Aquila chrysaetos*), black woodpecker (*Dryocopus martius*), grey-headed woodpecker (*Picus canus*), corn crake (*Crex crex*), woodlark (*Lullula arborea*), red-backed shrike (*Lanius collurio*), barred warbler (*Sylvia nisoria*), white-backed woodpecker (*Dendrocopos leucotos*) and semicollared flycatcher (*Ficedula semitorquata*); and
- and two species listed in Appendix III of the Bern Convention (protected species): hazel grouse (*Bonasa bonasia*), common quail (*Coturnix coturnix*).



The Institute had these facts in mind when issuing nature protection conditions for conducting geological exploration activities in the area of Karamanica near Bosilegrad.

The answer to question No. 2. of Complaint No. 2: “Which are the specific species or habitat(s) included in one of the Appendices of the Bern Convention potentially affected?” and which are listed in “Exhibit VI” of this Complaint, is as follows:

- habitat types listed in Exhibit VI “List of endangered natural habitats using the EUNIS classification” of this Complaint are significant for Homolje region and the whole of Serbia, however, not all of the listed types occur within the prospecting areas where geological exploration has been or is still being conducted. The Institute had this fact in mind when issuing nature protection conditions for geological exploration and other relevant activities on Mt Homolje;
- Amphibian and reptile species are indeed potentially endangered as they are dependent on the aquatic environments, i.e., the water bodies, where wastewater is planned to be discharged; reptiles are dependent on the mentioned water bodies for food (grass snake and dice snake), while amphibians are dependent on these aquatic environments because of their reproductive cycle. In addition to habitat destruction, important endangering factors include intersection of migration routes due to infrastructure construction (traffic-related deaths), as well as habitat fragmentation which results in the isolation of certain groups of the species population in smaller enclaves (metapopulations), thus potentially endangering their survival in the long-term period;
- In terms of the mammal species listed in Exhibit VI of the Complaint, it is established as follows:
  - Based on the available data kept by the Institute for Nature Conservation of Serbia, the species mound-building mouse (*Mus spicilegus*) does not inhabit the area where the construction of the mine is planned, nor the wider surrounding area;
  - species such as: northern white-breasted hedgehog (*Erinaceus roumanicus*), European mole (*Talpa europaea*), European hare (*Lepus europaeus*), red squirrel (*Sciurus vulgaris*), European edible dormouse (*Glis glis*), red fox (*Vulpes vulpes*), pine marten (*Martes martes*), European badger (*Meles meles*), wildcat (*Felis silvestris*), wild boar (*Sus scrofa*), red deer (*Cervus elaphus*) and roe deer (*Capreolus capreolus*) are listed in Appendix III of the Bern Convention, and accordingly, at the national level, they are categorized as “protected wild species”. These are species of relatively wide distribution on the territory of Serbia. The area of Homolje is an important habitat of red deer (*C. elaphus*) and a part of a much wider species distribution area in the eastern part of Serbia. The mine zone itself and the area in question do not represent an area of special importance for preserving a favourable conservation status for any of the listed species;
  - the Eurasian lynx (*Lynx lynx*) is also listed in Appendix III of the Bern Convention, and at the national level it holds the status of “strictly protected wild species”. The area of Homolje is situated within a much wider range of the species distribution area in eastern Serbia. The zone of the planned mine itself is not an area of special importance for preserving the favourable conservation status of the species;
  - the wolf (*Canis lupus*) and brown bear (*Ursus arctos*) are listed in Appendix II of the Bern Convention. During accession and adoption of the provisions of the Bern Convention, Serbia expressed a reservation regarding the status of strict protection for the wolf, and accordingly, at the national level, the species has the status of “protected wild species”. It has a relatively wide distribution on the territory of Serbia, with stable and slightly positive (increasing) population trends. The area of Homolje is an important wolf habitat in eastern Serbia, but the mine area is not considered an area of special importance for preserving a favourable conservation status in Serbia. The brown bear has the status of “strictly protected wild species” at the national level. The area of Homolje is currently an area where individuals of the species are occasionally observed and registered. The zone of the planned mine is not considered an area of special importance for preserving the favourable conservation status of the species in Serbia;

- bats: common bent-wing bat (*Miniopterus schreibersii*), common noctule (*Nyctalus noctula*), greater horseshoe bat (*Rhinolophus ferrumequinum*), lesser horseshoe bat (*Rhinolophus hipposideros*), Savi's pipistrelle (*Hypsugo savii*), western barbastelle (*Barbastella barbastellus*), greater mouse-eared bat (*Myotis myotis*), are listed in Appendix II of the Bern Convention. At the national level, they hold the status of "strictly protected wild species". Although the area of eastern Serbia is a zone with high level of diversity of bat fauna, the zone of the planned mine itself does not represent an area of special importance for preserving the favourable conservation status of the species in Serbia, nor is it a significant endangering factor;
- other species of rodents that are mentioned do not hold any special status neither under the terms of the Bern Convention nor at the level of national legislation.
- a large number of species of birds specified in question No. 2, as well as included in the list found at the link provided in the Complaint, do not match; also, many of the species specified in the text box are related to large water bodies and waterway corridors, which do not exist in Homolje region. In addition, many species included in the list are common in Serbia - such as members of crow family which are widespread and abundant across Serbia, therefore their survival in Homolje region, as well as Serbia, is not threatened. Certainly, the species golden eagle (*Aquila chrysaetos*) and peregrine falcon (*Falco peregrinus*) are among the most endangered species in the wider area surrounding Homolje region, however, these species are not included in the list found at the link provided in the Complaint, therefore, possibly these species have not been identified on the geological prospecting area, i.e., the location of the mine. Local populations or parts of populations of all species found in the area in question are potentially threatened, given the fact that many habitats populated by these species will disappear if the mine is opened. In particular, the submitted list containing 82 species of birds includes 6 nationally endangered species: grey partridge, turtle dove, Eurasian eagle-owl, short-toed snake eagle, goshawk and white-backed woodpecker. In the category of Vulnerable Species (VU) according to IUCN classification are: partridge (*Perdix*), European turtle dove (*Streptopelia turtur*) and white-backed woodpecker (*Dendrocopos leucotos*). Near threatened species (NT) according to the IUCN classification are: northern goshawk (*Accipiter gentilis*), Eurasian eagle-owl (*Bubo bubo*) and short-toed snake eagle (*Circaetus gallicus*). Furthermore, one should be careful when assessing species threat status, since some of the aforementioned species are facing more threats than others; in addition, certain species' population loss is irreplaceable. This primarily applies to the gold eagle and peregrine falcon occupying the wider area surrounding Homolje region, since the populations of these birds are declining in eastern Serbia and the chances for their recovery are small. On the other hand, species such as partridge, woodcocks and hawks, in addition to being endangered game species, face habitat loss, as well as other challenges. All other species specified in the list provided in the Complaint are categorized as LC (least concern) in accordance with the Red Book of Fauna of Serbia III – Birds.

With reference to question No. 3: "What might be the negative effects for the species or habitat(s) involved", we would like to point out the following:

In the period from 2006 to present date, the Institute for Nature Conservation of Serbia issued seven acts which prescribe nature protection conditions for geological exploration and prospecting in Homolje region. The aforementioned acts, in addition to requirements and conditions for the protection and conservation of wild flora and fauna, also prescribe requirements and conditions for preventing water, air and soil pollution.

The answer to question No. 4: "Do you know if potentially affected species or habitat(s) also fall under the scope of other international Conventions", is as follows:

The Habitats Directive lists the following:

- species and types of habitats mentioned in Complaint No. 2 are significant for the area of Homolje and the whole of Serbia, however, not all of them occur within the investigation areas where geological

investigations have been or are still being conducted. The Institute had this fact in mind when issuing nature protection conditions for geological exploration and related activities on Mount Homolje;

- wolf (*Canis lupus*), brown bear (*Ursus arctos*), lynx (*Lynx lynx*) and wildcat (*Felis silvestris*) - Annex II, IV; golden marten (*Martes martes*) - Annex V;
- common bent-wing bat (*Miniopterus schreibersii*), common noctule (*Nyctalus noctula*), greater horseshoe bat (*Rhinolophus ferrumequinum*), lesser horseshoe bat (*Rhinolophus hipposideros*), Savi's pipistrelle (*Hypsugo savii*), western barbastelle (*Barbastella barbastellus*), greater mouse-eared bat (*Myotis myotis*) - Annex II, IV;
- bird species listed in Annex I of the Birds Directive, which are included in the list are: hazel grouse (*Bonasa bonasia*), Eurasian eagle-owl (*Bubo bubo*), European nightjar (*Caprimulgus europaeus*), short-toed snake eagle (*Circaetus gallicus*), white-backed woodpecker (*Dendrocopos leucotos*), black woodpecker (*Dryocopus martius*), collared flycatcher (*Ficedula albicollis*), red-backed shrike (*Lanius collurio*), middle spotted woodpecker (*Leipicus medius*), woodlark (*Lullula arborea*), European honey buzzard (*Pernis apivorus*), grey-headed woodpecker (*Picus canus*) and barred warbler (*Sylvia nisoria*);
- species listed in Appendix II of the Bern Convention are: *Accipiter gentilis*, *Accipiter nisus*, *Aegithalos caudatus*, *Anthus trivialis*, *Asio otus*, *Bubo bubo*, *Buteo buteo*, *Caprimulgus europaeus*, *Certhia brachydactyla*, *Circaetus gallicus*, *Dendrocopos leucotos*, *Dendrocopos major*, *Dryobates minor*, *Dryocopus martius*, *Erithacus rubecula*, *Falco subbuteo*, *Ficedula albicollis*, *Hirundo daurica*, *Hirundo rustica*, *Jynx torquilla*, *Lanius collurio*, *Leipicus medius*, *Luscinia megarhynchos*, *Merops apiaster*, *Motacilla alba*, *Motacilla cinerea*, *Muscicapa striata*, *Oriolus oriolus*, *Otus scops*, *Parus ater*, *Parus caeruleus*, *Parus lugubris*, *Parus major*, *Parus palustris*, *Pernis apivorus*, *Phoenicurus ochruros*, *Phylloscopus collybita*, *Picus canus*, *Picus viridis*, *Regulus regulus*, *Saxicola rubetra*, *Sitta europaea*, *Strix aluco*, *Sylvia atricapilla*, *Sylvia borin*, *Sylvia communis*, *Sylvia curruca*, *Sylvia nisoria*, *Troglodytes troglodytes*;
- species listed in Appendix III of the Bern Convention are: *Bonasa bonasia*, *Corvus corax*, *Cuculus canorus*, *Fringilla coelebs*, *Lullula arborea*, *Passer montanus*, *Perdix perdix*, *Phasianus colchicus*, *Scolopax rusticola*, *Streptopelia turtur*, *Turdus merula*, *Turdus philomelos*, *Turdus viscivorus*.
- however, Birdlife international in cooperation with its partners in Serbia declared new internationally important bird areas in 2020 on the territory of the Republic of Serbia, hence including IBA "Homolje". This area was identified as the internationally important bird area due to the presence of the following species: white-backed woodpecker (*Dendrocopos leucotos*), black woodpecker (*Dryocopus martius*), collared flycatcher (*Ficedula albicollis*), red-breasted flycatcher (*Ficedula parva*), grey-headed woodpecker (*Picus canus*), marsh tit (*Poecile palustris*) and Ural owl (*Strix uralensis*). During the implementation of the IPA 2016 EU for Serbia - Project "Continued support to the implementation of Chapter 27 in the field of nature conservation (NATURA 2000)", the aforementioned area was nominated for the special protection area under the code pSPA053 – Kučaj - Beljanica (total area: 113913 ha). Detailed information on bird species occurring in this important bird area can be found at: <https://daphne.sk/Natura2000Serbia/pspa053f.html>;
- The species occurring on the territory of Homolje region that also fall under the scope of the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention; CMS) and are listed in the Appendix II to this Convention, include: common bent-wing bat (*Miniopterus schreibersii*), common noctule (*Nyctalus noctula*), greater horseshoe bat (*Rhinolophus ferrumequinum*), lesser horseshoe bat (*Rhinolophus hipposideros*), Savi's pipistrelle (*Hypsugo savii*), western barbastelle (*Barbastella barbastellus*) and greater mouse-eared bat (*Myotis myotis*).

The Institute for Nature Conservation of Serbia took the afore stated facts into consideration when prescribing and issuing nature protection conditions pertaining to geological exploration in Homolje region.

**ANNEX II**  
**REPORT BY THE MINISTRY OF MINING AND ENERGY**

Republic of Serbia

MINISTRY OF MINING AND ENERGY

Number:310-02-01812/2022-02

Date: 27.12. 2022

MINISTRY OF ENVIRONMENTAL PROTECTION

In your letter No.: 337-00-00128/2022-04 dated 15. 11. 2022 you informed the Ministry of Mining and Energy that the non-governmental organization “Earth Thrive”, filed a complaint pertaining to possible negative impact of mining activities in Bosilegrad and in the Homolje Mt Region with the Secretariat of the Bern Convention (Council of Europe).

In accordance with the aforementioned letter, in which you request the Ministry of Mining and Energy to provide you with a report on the Ministry’s competencies and scope of work pertaining to this matter, we inform you of the following:

1. The company Bosil Metal d.o.o. exploits lead and zinc ore deposits based on the following legally valid Decisions which are currently in force:

- Decision on authorization of exploitation activities (determined exploitation field No. 515) No.: 310-02-00310/2021-02 of 01. 07. 2022. In accordance with the applicable Law on Mining and Geological Exploration, the documentation prescribed by Article 70 was submitted together with the application, including the Decision of the Ministry of Environmental Protection No.: 353-022039/2021-03/2008-06 of 26. 11. 2021, determining the scope and content of the Environmental Impact Assessment Study for the project of Pb-Zn ore exploitation from Podvirovi and Popovica ore deposits in Karamanica near Bosilegrad, including the ore processing plant and tailings landfill situated on the territory of the exploitation field;

- Decision No.: 310-02-00788/2009-06 of 05. 02. 2010 on authorization of mining operations defined by the Supplementary Mining Project for the exploitation of mineral deposits from Podvirovi ore field in Karamanica. Pursuant to then-valid Law on Mining (Official Gazette of the Republic of Serbia, No. 44/95, 34/06 and 104/09), the required documentation prescribed by Article 35 was submitted together with the application, including the Decision on Approval of the Environmental Impact Assessment Study No. 353-02-1019/2008-02 of 08. 06. 2009, issued by the Ministry of Environmental Protection and subsequent Amendment of the Decision dated 02. 06. 2014;

- The aforementioned company was issued authorisation for the operation of the pilot plant for technological testing of flotation processing of Cu-Pb-Zn ore, however this authorization is no longer valid since the deadline for the performance of mining works stipulated in the relevant authorization Decision has expired;

- Decision No. 310-02-00062/2017-02 of 25. 10. 2017 on authorization of mining operations based on the Supplementary Mining Project of the pilot plant for technological testing of flotation processing of Cu-Pb-Zn ore from the ore deposits Podvirovi and Popovica in Karamanica. Pursuant to then-valid Law on Mining and Geological Exploration (Official Gazette of the Republic of Serbia No. 101/2015), the documentation prescribed by Article 103 was submitted with the application, including the required approval of the Ministry of Agriculture and Environmental Protection No. 353-02-497/2017-16 of 25.09.2017, asserting that development of the Environmental Impact Assessment Study for the Supplementary Mining Project of the pilot plant for technological testing of flotation processing of Cu-Pb-Zn ore from the ore deposits Podvirovi and Popovica in Karamanica was not required.

Pertaining to the enacting clause of the decision authorizing carrying out of mining works, a deadline of 3 years was set for the performance of mining works defined by relevant project documentation. On 30.10.2020, the company submitted a request for an extension of the deadline stipulated in the enacting clause of the mentioned decision, however, the request was denied and the deadline for the performance of mining works was not extended based on this decision.

2. The Canadian company “Dundee precious metals” through its company DPM Avala d.o.o. from Belgrade, carried out geological research of gold and related metals (Ag, Sg, Rb, Zn) in the area of Potaj Čuka-Tisnica near Žagubica. The project is currently in the phase of maintaining the exploration approval.

Furthermore, the company DPM Avala d.o.o. from Belgrade, in the wider area of the Homolje Mountains, conducts geological research for gold and related metals, including on the exploration fields of Ždrelo and Umka.

On the territory of Homolje, in the “Potaj Čuka-Tisnica” exploration area, the republic inspector in charge of geological exploration activities carried out a regular inspection on 06. 12. 2021. At the time of the inspection, no unauthorized activities or irregularities were found that would require the imposition of measures to eliminate them. New regular inspection supervision is planned under the 2023 Annual Plan.

Sincerely,





