



Strasbourg, 15 February 2024

T-PVS/Files(2024)22

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Bureau of the Standing Committee

18-19 March 2024
Strasbourg

Complaint on stand-by: 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*



**Republic of Serbia
MINISTRY OF
ENVIRONMENTAL PROTECTION**

No: 337-00-00058/2023-04

Date: 23/ 01/ 2024

Belgrade

**COUNCIL OF EUROPE
Directorate General of Democracy and Human Dignity
Secretariat of the Bern Convention
F-67075 Strasbourg, France
Mr Mikael POUTIERS
Secretary of the Bern Convention**

**Subject: The Progress Report on Complaint no. 2022/06: Complaint on stand-by:
Serbia: Possible negative impact of mining activities in Bosilegrad and in the Homolje
mountain region**

Dear Mr Poutiers,

In reference of the request by the Secretariat of the Bern Convention dated 20 April 2023, related to the Complaint no: 2022/ 6: Complaint on stand-by: Serbia: Possible negative impact of mining activities in Bosilegrad and in the Homolje mountain region - collective complaint, submitted by the International non-government organisation Earth Thrive, association Eko-Krajište from Bosilegrad, Kings College Legal Clinic from the United Kingdom, Balkanka association from Bulgaria, Mlavaska Vojska environmental organisation, Čuvari Homolja association and the non-government organisation Earth Law Center, on behalf of the Ministry of Environmental Protection, we would like to inform you about the following:

Pursuant to the above mentioned request, the Ministry of Environmental Protection, in its capacity as the competent authority monitoring the implementation of the Bern Convention for the Republic of Serbia, sent a Request for Statement related to this complaint (no. 337-00-00058/2023-04 dated 11 May 2023) to competent authorities and institutions: Ministry of Construction, Transport and Infrastructure, Ministry of Mining and Energy, Institute for Nature Conservation of Serbia, Bosilegrad Municipal Assembly and Žagubica Municipal Assembly, including competent sectors of the Ministry of Environmental Protection.

Based on the received statements, the following is provided:

1 The Ministry of Mining and Energy in its Statement (no. 337-00-00068 dated 1 June 2023) noted as follows:

1) There are no issued authorisations for carrying out exploitation of mineral deposits in the mountainous area of Homolje.

2) In the territory of the Municipality of Bosilegrad, a business entity Bosil metal d.o.o. (LLC) is carrying out the exploitation of lead and zinc ore reserves pursuant to the following valid decisions: Decision on authorisation of exploitation activities (number: 310-02-00310/2021-02 dated 01 July 2022) and Decision on authorisation of mining operations (number: 310-02-00788/2009-06 dated 5 February 2010) in accordance with the Supplementary Mining Project for the exploitation from Podvirovi ore field - Karamanica. Other information in reference to the mentioned exploitation activity is provided in the previous statement of the Ministry of Mining number 310-02-01812/2022-02 dated 27 December 2022, which was presented in the previous Report of the Ministry of Environmental Protection dated 19 January 2023.

In the territory of Bosilegrad Municipality, the following business entities received authorisation to carry out applied geological research:

- Golden Age Resources d.o.o. (LLC), exploration site Crnoštica, research of Au, Ag, Cu, Pb, Zn;
- Golden Age Resources d.o.o. (LLC), exploration site Ljubata, research of Cu, Au, Pb, Zn, Ag;
- Golden Age Resources d.o.o. (LLC), exploration site Radovnica, research of Cu, Au, Pb, Zn and Mo; Municipalities of Trgovište, Bosilegrad, Vranje;
- Grot a.d. (Ltd), Kriva Feja, exploration site Ploča, research of Pb and Zn;
- Medgold istraživanja d.o.o. (LLC), Belgrade, exploration site Donje Tlamino, research of Au, Pb, Zn, Ag, Cu and Mo;
- Medgold istraživanja d.o.o. (LLC), Belgrade, exploration site Surlica – Dukat, research of Cu, Au, Pb, Zn, Ag and Mo, Municipalities of Trgovište and Bosilegrad.

3) The Ministry of Mining and Energy carried out the inspection for the area of Bosilegrad, the mining inspector carried out an extraordinary inspection of the supervised business entity Bosil metal d.o.o. (LLC) on the exploitation field number 515 - Podvirovi.

On that occasion, two measures were imposed on the business entity with the aim of eliminating illegality:

- 1) It is prohibited to carry out mining operations of the Pilot plant for technological testing of flotation processing of lead, zinc and copper ore, on exploitation field No. 515 — Podvirovi.
- 2) It is prohibited to dispose of intermediate products which are the result of the flotation process of lead, copper and copper ore outside the limits of the approved exploitation field No. 515 — Podvirovi.

2 The Ministry of Environmental Protection carries out activities within the scope of the assessment and strategic assessment of environmental impact as follows:

In accordance with Article 14 of the Law on Environmental Protection, the Ministry of Environmental Protection adopted a Decision (number 353-02-2039/2021-03 dated 26 November 2021), determining the scope and content of the Environmental Impact Assessment Study of the project of exploitation of Pb, Zn and Cu ore from the “Podvirovi” and “Popovica” deposits in the Karamanica area near Bosilegrad (including the ore processing plant and flotation tailing dump), which forms an integral part of the accompanying documentation submitted to the Ministry of Mining and Energy together with the Exploitation Approval Request.

Based on the issued Decision which determined the scope and content of the Environmental Impact Assessment Study of the sites “Podvirovi” and “Popovica” in the Karamanica area near Bosilegrad, the Impact Assessment Study was not submitted to the Ministry of Environmental Protection for the purpose of granting consent to the same.

In accordance with the decisions of the Joint Commission for Environmental Protection Cooperation set up pursuant to the Memorandum of Understanding between the Ministry of Environmental Protection of the Republic of Serbia and the Ministry of Environmental Protection and Water of the Republic of Bulgaria on cooperation in the field of environment protection as well as the Biannual Implementation Programme of the Memorandum, a working meeting of Serbian and Bulgarian experts was scheduled to take place in Sofia (Republic of Bulgaria) on **26 January 2023** in the field of environmental impact assessment and the strategic environmental impact assessment, including the readiness to participate in the cross-border EIA procedure (environmental impact assessment) for a new project Bosil-metal, Bosilegrad for the purpose of monitoring possible impact of activities on the environment in potentially affected areas, according to the opinions of the Bulgarian institutions and the interested public.

The meeting was cancelled due to the unforeseen circumstances on the part of the Bulgarian party, with understanding and possibility of rescheduling the meeting in the coming period.

Bearing in mind that two parties did not hold meetings during 2023, the Serbian party sent an e-mail to the Bulgarian party on 13 December 2023 and expressed its interest in the continuation of activities on the implementation of the Memorandum of Understanding between the Ministry of Environmental Protection of the Republic of Serbia and the Ministry of Environmental Protection and Water of the Republic of Bulgaria on cooperation in the field of environment protection. The Bulgarian party responded to the Serbian party that in the following period they would submit a proposal for a two-year work plan of the Joint Commission.

3. The Ministry of Construction, Transport and Infrastructure, in Statement No. 350-02-1195/2023-07 of 6 February 2024, as well as in the Statement dated January 2023, stated that the Government of the Republic of Serbia passed a Decision on the Spatial Plan of the special purpose area of gold exploitation in the exploration area "Potaj Čuka – Tisnica" (Official Gazette RS, No. 64/2021).

4 The Institute for Nature Conservation of Serbia submitted the Statement (03 number: 025-1836/2 dated 11 July 2023), in which it asserted that the Institute did not have additional facts in relation to the prior Statement 03 number 025-4042/2 dated 28 December 2022, which was submitted as part of the documentation of the previous report of the Ministry of Environmental Protection.

5 The Municipality of Žagubica submitted its Statement number III-03-351-157/2023 dated 6 June 2023, which asserted that the geological research of mineral deposits at the location in question is not in contradiction to the Spatial Plan of the municipality of Žagubica ("Official Gazette of Žagubica Municipality", No. 2/11).

6 The Municipality of Bosilegrad submitted its Statement number 501-39-1/2024 dated 18 January 2024 which states that the Spatial Plan of the Municipality of Bosilegrad ("Official Gazette of the Municipality of Bosilegrad", No. 8/2013) does not define the area for expanding the exploitation and construction of flotation in the area of the Karamanica mine. Accordingly, it is necessary to carry out new spatial and urban planning for this purpose in accordance with the Law on Planning and Construction.

Based on the above stated, the Bosilegrad Municipal Assembly adopted a Decision on the conditions for the research and exploitation of mineral deposits in the territory of Bosilegrad Municipality ("Official Gazette of the Municipality of Bosilegrad", number 18/21), in which it stated that the research and exploitation of mineral deposits in the territory of the Bosilegrad Municipality may be carried out with the preparation of appropriate planning documents according to the Law on Planning and Construction and the Law on Mining.

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

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

Sincerely,

MINISTER

Irena Vujović

Annex I – Report by the Ministry of Mining and Energy

Annex II - Report by the Ministry of Construction, Transport and Infrastructure

Annex III Report by the Municipality Bosilegrad

Annex IV Report by the Municipality Zagubica

Annex V Report by the Institute of Environmental Conservation

Annex I – Report by the Ministry of Mining and Energy**Republic of Serbia
MINISTRY OF MINING AND ENERGY**

Number: 337-00-00068/2023-01

Date: 01/06/2023

MINISTRY OF ENVIRONMENTAL PROTECTION2 Mihajla Pupina Blvd.
11070 Belgrade

To Whom It May Concern,

On 11/05/2023, you informed the Ministry of Mining and Energy with the letter No. 337-00-0058/2023-04 that the Non-Government Organisation “Earth Thrive”, in cooperation with other associations lodged two complaints concerning the negative impact of mining activities in Bosilegrad and the mountainous area of Homolje.

Upon inspecting the official records, it was established that the Ministry, with the letter No. 310-02-01812/2022-02 from 27 December 2022, submitted the required report on issued approvals on requested locations in accordance with the letter of your Ministry.

In accordance with you latest letter, we are sending you a supplementary report.

1. On the territory of the Municipality of Bosilegrad, a business entity Bosil metal LLC is carrying out the exploitation of lead and zinc ore reserves while there are no issued approvals for the exploitation of mineral reserves in the mountainous area of Homolje.
2. In the territory of Bosilegrad Municipality, the following business entities have permission to carry out applied geological research:
 - Golden Age Resources d.o.o. (LLC), exploration site Crnoštica, research of Au, Ag, Cu, Pb, Zn;
 - Golden Age Resources d.o.o. (LLC), exploration site Ljubata, research of Cu, Au, Pb, Zn, Ag;
 - Golden Age Resources d.o.o. (LLC), exploration site Radovnica, research of Cu, Au, Pb, Zn, Mo; Municipality of Trgovište, Bosilegrad, Vranje;
 - Grot a.d. (Ltd), Kriva Feja, exploration site Ploča, research of Pb, Zn;
 - Medgold istraživanja d.o.o. (LLC), Belgrade, exploration site Donje Tlamino, research of Au, Pb, Zn, Ag, Cu, Mo;
 - Medgold istraživanja d.o.o. (LLC), Belgrade, exploration site Surlica – Dukat, research of Cu, Au, Pb, Zn, Ag, Mo, Municipality of Trgovište, Bosilegrad.

With the previous letter No. 310-02-01812/2022-02 from 27 December 2022, we informed you of the issued approvals for carrying out geological research in the mountainous area of Homolje.

3. In terms of the inspection supervision on requested locations, we inform you as follows:

On the site of Homolje, in the "Potaj čuka - Tisnica" exploration area, the geological inspector of the Republic of Serbia carried out a regular inspection on 06 December 2021. At the time of the inspection, no illegalities or irregularities were identified that would require the imposition of measures to correct them. A new regular inspection supervision is planned in the Annual Plan for 2023.

For the area of Bosilegrad, the mining inspector carried out an extraordinary inspection of the supervised business entity Bosil metal LLC on the exploitation field number 515 - Podvirovi.

Pursuant to the minutes, two measures were imposed on the business entity with the aim of eliminating illegality:

1. It is prohibited to carry out mining works of the Pilot plant for technological testing of flotation processing of lead, zinc and copper ore, on exploitation field No. 515 — Podvirovi.
2. It is prohibited to dispose of intermediate products which are the result of the flotation process of lead, copper and copper ore outside the limits of the approved exploitation field No. 515 — Podvirovi.

Yours sincerely,

MINISTER

Dubravka Đedović

Delivered to:

- The addressee;
- The Archives.

Annex II - Report by the Ministry of Construction, Transport and Infrastructure

**MINISTRY OF
CONSTRUCTION, TRANSPORT
AND INFRASTRUCTURE
Department for Spatial and Urban
Planning**

No: 350-02-1195/2023-07

Date: 6 February 2024

10a Kralja Milutina St
Belgrade

MINISTRY OF ENVIRONMENTAL PROTECTION

1 Omladinskih brigada St
11070 Novi Beograd

To Whom it May Concern,

This letter is to inform you that we have received your letter No. 337-00-00058/2/2023-04 dated 10 January 2024 requesting the delivery of the Scope of Work Report pertaining to the “Complaint No. 2022/06: Complaint on stand-by: Serbia: Possible negative impact of mining activities in Bosilegrad and in the Homolje Mt region”. With reference to the aforesated and in accordance with the competencies of the Department for Spatial and Urban Planning, the Ministry of Construction, Transport and Infrastructure, we hereby inform you that the Government of the Republic of Serbia adopted a Decision on drafting the Spatial plan of the special purpose area of gold exploitation in the exploration area “Potaj Čuka – Tisnica” (Official Gazette RS, No. 64/2021).

Sincerely,

STATE SECRETARY

Aleksandra Sofronijević
As per Minister`s Authorisation
No. 000159170 2024 14810 010 006 000 001
of 29 January 2024

Annex III Report by the Municipality Bosilegrad



Republic of Serbia
MUNICIPALITY BOSILEGRAD
Municipal administration
Environmental protection service
Number: 501-39-1/2024
18.01.2024.
BOSILEGRAD

Ministry of environmental protection
Omladinskih brigada 1, SIV III
11070 New Belgrade/Serbia

Dear Sir/Madam,

Regarding your file number: 337-00-00058/2/2023-04 from 10.04.2024. in which you have requested a statement on a complaint number: 2022/06 related to a possible negative impact of mining activities in Bosilegrad, we inform you that:

Spatial Plan of municipality Bosilegrad with Environmental Impact Assessment (EIA) with textual and graphic documentation can be found on the official website of a Central register of planning documents within a Ministry of Construction, Transport and Infrastructure, an official website of municipality Bosilegrad and („Official Gazette of the City of the Vranje”, No. 8/2013).

In the existing Spatial Plan of municipality Bosilegrad, an area around the existing mine Karamanica is marked as a metal deposit, but within it, there is no specifically defined area for expansion of exploitation and flotation construction. For this matter it is necessary to conduct a new spatial and urbanistic planning according to Law on planning and construction.

For this reason, Assembly of municipality of Bosilegrad has made a Decision on conditions for research and exploitation of mineral raw materials on a territory of a municipality Bosilegrad („Official Gazette of the City of the Vranje”, No. 18/21). In this decision it is said that Research and exploitation of mineral raw materials on a territory of a municipality Bosilegrad can be conducted with the preparation of appropriate planning documents according to Law on planning and construction and Law on mining.

Sincerely,

Environmental protection service,
municipal administration,
Advisor for environmental affairs,
Mikica Vasilev

Head of the
Miodrag Jakimov

Annev IV Report by the Municipality Zagubica

Republic of Serbia
MUNICIPALITY OF ŽAGUBICA
Municipality Administration
Department for Economy and Economic
Development
Number: III-03-351-157/2023
Date:06/06/2023
Žagubica

Republic of Serbia
MINISTRY OF ENVIRONMENTAL PROTECTION
11070 NEW BELGRADE
1 Omladinskih brigada Street, SIV III

Subject: Response to your Request for reporting on Complaint No. 2022/06, on monitoring the possible negative impact of mining activities in the mountainous area of Homolje.

To Whom It May Concern,

With reference to the request of the Ministry of Environmental Protection, No. 337-00-00058/2023-04 from 11 May 2023, for reporting on Complaint No. 2022/06, regarding the negative impact of mining activities in the mountainous area of Homolje, we inform you of the following:

According to the spatial plan of the municipality of Žagubica ("Official Gazette of Žagubica Municipality ", No. 2/11), at the location of the planned mining activities, the geological research of mineral resources is not in contradiction to the said plan, while the exploitation of mineral resources is in the competence of the state authorities (adopting plans, issuing permits, etc.).

In reference to the allegations included in the complaints about the possible negative impact of mining activities in the mountainous area of Homolje on rare fauna and flora species, which may be affected by mining activities at the location in question, the Municipality of Žagubica has no knowledge, i.e. the Municipality of Žagubica has never done any studies, research and similar analysis regarding the rare flora and fauna species in Homolje. In addition, no report, study or similar document by any competent state authority have ever been delivered to the Municipality of Žagubica.

Yours sincerely,

Head of the Department
Radiša Milošević
(Illegible signature)

*Round seal of the Department for Economy and Economic Development
of the Municipality of Žagubica affixed hereto.*

Annex V Report by the Institute of Environmental Conservation

03 No. 025-1836/2
OF SERBIA
11.07.2023.
New Belgrade

INSTITUTE FOR NATURE CONSERVATION

Japanska 35, 11070

www.zzps.rs

MINISTRY OF ENVIRONMENTAL PROTECTION

Omladinskih brigada 1
11070 NEW BELGRADE

Your number: 337-00-00058/2023-04 from 11.05.2023.

Subject: The Statement regarding the „Complaint Number 2022/06 : Complaint on stand-by: Republic of Serbia: The possible negative impact of mining activities in Bosilegrad and the mountain region of Homolje”

You submitted a request to the Institute for Nature Conservation of Serbia, registered in the Institute under 03. Number 025-1836/1 from the 19.05.2023., for the Statement regarding the Complaint (which was submitted by the International non-governmental organisation „Earth Thrive“, together with the co-complainants: Assosiation „Eko-Krajište“ from Bosilegrad, Kings College Legal Clinic from London (UK), „Balkanka” Association from Sofia (Bulgaria), the non-governmental organization „Mlavaska vojska” and „Čuvari Homolja” (Serbia) and international non-governmental organisation „Earth Law Center” from the United States of America number: 2022/06: „Complaint on stand-by: Republic of Serbia: The possible negative impact of mining activities in Bosilegrad and mountain region of Homolje”.

Regarding the request of the Bureau of the Bern Convention in the Council of Europe, due to consideration of the Report from the Republic of Serbia about the Complaint number: 2022/06, We inform you that the Institute does not have any additional stating facts in regards to the Statement 03 num. 025-404/2 from 28.12.2022., which We delivered on the 13.01.2023.

DIRECTOR’S VD
Marina Šibalić

Attachement:

-The Copy of the Statement 03 num. 025-404/2 from 28.12.2022.

Delivered to:

-Submitter of the request

- Archive