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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

44th meeting
Strasbourg, 2-6 December 2024

Bureau of the Standing Committee

10-12 September 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*

- July 2024 -



**Republic of Serbia
MINISTRY OF
ENVIRONMENTAL PROTECTION**

No.: 001818484 2024 14850 004 008 000 001

Date: 30 July 2024

Belgrade

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

Subject: Progress Report on Complaint No. 2022/06: Complaint on stand: Serbia: Possible negative impact of mining activities in Bosilegrad and in the Homolje Mt region.

Dear Mr. Poutiers,

In regard to the request of the Secretariat of the Bern Convention of 15 April 2024, concerning Complaint No. 2022/06: Complaint on stand: Serbia: Possible negative impact of mining activities in Bosilegrad and in the Homolje Mt region – single complaint, the Ministry of Environmental Protection, in the capacity of the competent authority for monitoring the implementation of the Bern Convention for the Republic of Serbia, sent a request for a statement to the competent bodies and organisations, as follows: Ministry of Construction, Transportation and Infrastructure, Ministry of Mining and Energy, Institute for Nature Conservation of Serbia, Municipal Assembly of Bosilegrad and Municipal Assembly of Žagubica, including the competent sectors of the Ministry of Environmental Protection.

I Pursuant to the obtained statements of the previously mentioned bodies and organisations (please find enclosed the translated copies), in relation to the part of the Complaint concerning the possible negative impact of mining activities in Bosilegrad, we would like to inform you of the following:

1. Company Bosil-Metal d.o.o., Bosilegrad, performs exploitation of lead and zinc ores from the deposits “Podvirovi” and “Popovica” in the Karamanica area, Municipality of Bosilegrad. Regarding the fulfilment of obligations concerning environmental protection, the Company implements all environmental protection measures under the approved Environmental Impact Study for the “Podvirovi-Karamanica” Mine Reconstruction Project, approved by the Ministry of Environment and Spatial Planning in 2009. Pursuant to the carried out field and office supervision and established factual situation by the Republic Environmental Inspection, the Ministry of Environmental Protection established in July 2023 that no illegalities were found in the activities of the supervised facility. The Republic Environmental Inspection plans, in accordance with the Annual and Operational Plans of the inspection supervision for 2024, to carry out a regular inspection supervision in Q3 2024.

2. To the Company Bosil-Metal in 2021, **operation of the Pilot plant for technological testing of the flotation processing of Pb-Zn ores from deposits “Podvirovi” and “Popovica” was prohibited**, given the expiry of three years for the use of this plant. The Mining Inspection prohibited the execution of mining works of the Pilot plant for technological testing of the flotation processing of lead, zinc and copper ores, in the exploitation area No. 515 – ‘Podvirovi’ and disposal of intermediate products derived from the flotation process of lead, zinc and copper ores outside the boundaries of the approved exploitation area No. 515 – ‘Podvirovi’.

3. As regards the **expansion of the exploitation field**, we would like to inform you that the **geological exploration project for the period from 2023 to 2026** was submitted to the **Ministry of Mining and Energy in 2023**, as well as the **Mining Project for the Exploration of Solid Mineral Raw Materials**. Additionally, the aforementioned **Mining Project for the Exploration of Solid Mineral Raw Materials** was granted approval in August 2023 and as such will be in effect until the conclusion of exploration activities, specifically until 2026.

The **Ministry of Environmental Protection adopted the decision determining the scope and content of the Environmental Impact Study for the project of exploitation of Pb, Zn and Cu ores from the deposits “Podvirovi” and “Popovica” in the Karamanica area** near Bosilegrad (including the ore processing plant and the flotation tailings disposal site) in November 2021.

The Ministry of Environmental Protection carried out through notification **transboundary consultations with the Republic of Bulgaria**, i.e. its Ministry of Environment and Water. The notification contained information on the planned project. To the Ministry of Environmental Protection comments were sent by the Minister of Environment and Water of the Republic of Bulgaria indicating that this Ministry decided to participate in the transboundary EIA procedure for the new project of Bosil-Metal, Bosilegrad.

In the Decision determining scope and content of the Study, it has been ordered to the Project Developer to particularly elaborate in the Environmental Impact Study all possible potential impacts on the surface and ground waters in the territory of the Republic of Bulgaria. The Ministry of Environmental Protection accepted all useful information on the possible potential impacts of the activities of the planned mining and processing complex on the environment in potentially affected areas: Surface and ground waters, secondary pollution as well as possible potential impacts on the water protection areas. **All possible potential impacts will be considered in detail in the Environmental Impact Study of the respective project, in order to determine adequate and binding measures for the protection of the environment and human health.** In the Environmental Impact Study, Environmental Monitoring Programme and Environmental Audit Programme will be defined. Furthermore, the Project Developer will have to form a **special monitoring service**, which will in cooperation with laboratories, accredited and responsible for the monitoring quality, prepare materials for the consideration and control of the results obtained. Pursuant to the obtained results and perceived trends, the same service shall propose the correction of the monitoring plan.

The **Environmental Impact Study** was delivered to the Ministry of Environmental Protection on **25 December 2023**. In its letter of 16 January 2024, the Ministry required supplement of the Study, which was delivered on 22 April 2024 and included translated copies into Bulgarian language.

Pursuant to the Law on Environmental Impact Assessment (*Official Gazette of the Republic of Serbia*, Nos. 135/04 and 36/09) and the Rulebook on public insight, presentation and public discussion about the Environmental Impact Study (*Official Gazette of the Republic of Serbia*, No. 69/05), the **Ministry organised public insight, public presentations and public discussion on the mentioned Study.**

In accordance with Article 3 of the Convention on Environmental Impact Assessment in a Transboundary Context (ESPOO), **Environmental Impact Study with translation into**

Bulgarian language became publicly available on the official website of the Ministry of Environmental Protection on 24 April 2024.

Public discussion and presentation of the respective Environmental Impact Study was held in Bosilegrad on 5 June 2024.

On 1 July 2024, in accordance with the provisions of the ESPO Convention, the opinion of the Ministry of Environment and Water of the Republic of Bulgaria concerning the respective Study was delivered.

Comments and observations on the Study, submitted by Civil Society Organisations to the Ministry of Environmental Protection, either directly or through the Ministry of Environment and Water of the Republic of Bulgaria, **were forwarded to the members of the Technical Committee for the assessment of the respective Study, established on 8 May 2024, and will be the subject of discussion at the next meeting.**

In view of all of the above, you will be informed of the details of the Study in a timely manner, upon completion of the approval process.

With regard to the issue of the quality of water in the mine vicinity, we would like to inform you that **regular testing of the quality of water, air and sludge by the authorised organisations is carried out four times a year** (Institute of Public Health Vranje - Centre for Hygiene and Human Ecology, etc.), whose findings and expert opinions are duly delivered to the Ministry and Inspection bodies. The results of absolutely all test show that at the site and **in the vicinity of the Pilot plant, there was no exceedance of the maximum permissible values for any of the analysed samples.** An exception are the results downstream of the works, which indicate the presence of bacteria and microorganisms, at concentrations that are twice as high in these samples in comparison with the samples in front of the site, which is most probably the result of the activities of the local population (cattle grazing, direct release of sewerage into the stream).

Furthermore, the Municipality of Bosilegrad carries out continuous **monitoring of the surface waters in the territory of the Municipality of Bosilegrad**, including the Karamanica River, 300 meters downstream of the Bosil-Metal mine in the Karamanica area. Measurements of physico-chemical parameters meet the values prescribed under the Regulation on emission limit values for pollutants in surface and ground waters and sediments and the deadlines for their reaching (*Official Gazette of the Republic of Serbia*, No. 50/2012) and **satisfy the values for Class I and Class II**, prescribed under the Rulebook on hazardous substances in water (*Official Gazette of the Republic of Serbia*, No. 31/82). The results of these measurements are found on the official website of the Municipality of Bosilegrad at: <http://www/bosilegrad.org/sr/Monitoring.aspx>

Furthermore, testing of the quality of water of **the Dragovištica River, on the Ribarice profile** (on the border with Bulgaria) is carried out by the Environmental Protection Agency. The testing was performed in **2022, 2023 and 2024**, and the results of chemical analyses were compared with the limit values for **Class II quality of the surface waters**, which has a **good ecological status** – the values of physico-chemical parameters do not exceed the values that affect the ecosystem functionality and development of the community corresponding to the given status, while biological parameters indicate a low level of change caused by human activity, and deviate slightly from the values usual for the given type of surface waters in undisturbed conditions. Over 100 parameters were tested, from the basic ones, like the suspended particles quantity, total hardness, the amount of dissolved oxygen and total amount of dissolved salts, to the analysis of the heavy metal concentration (zinc, copper, manganese, boron, arsenic, mercury, chromium, nickel, cadmium, lead...), biocidal compounds and their isomers (atrazine, chlordane, kinuron and others). **Of all tested parameters, only slight elevated values for the total iron content were found in 2022 and 2023, while in 2024, no exceedances of any parameter were recorded.**

II Pursuant to statements obtained from the previously mentioned bodies and organisations, concerning the part of the Complaint related to possible negative impact of mining activities in Homolje Mt region, we would like to inform you of the following:

According to the previous report, in Homolje Mt region, **there are no approvals issued for the exploitation of mineral resources**. In the last report of the Ministry of Mining and Energy, enclosed to this document, it is stated **that there are only approvals for the performance of applied geological explorations**, for the following Companies: Crni Vrh Resources d.o.o. Belgrade (geological explorations of gold and accompanying metals in the exploration fields Potaj Čuka, Čoka Rakita and Pešter South) and DPM Avala d.o.o. Belgrade (geological explorations of gold and accompanying metals in the wider area of Homolje Mt and in the exploration field Umka).

Regarding the Company “Dundee Precious Metals”, mentioned in the complaint of the Civil Society Organisations, we would like to inform you that so far, this Company has not submitted any request to the Ministry of Environmental Protection related to the application of the Law on Environmental Impact Assessment.

The Municipality of Žagubica stated that Performing geological explorations of mineral resources is not contrary to the Spatial Plan of the Municipality of Žagubica (*Official Gazette of the Municipality of Žagubica*, No. 2/11). Furthermore, it has been stated that in the General Regulation Plan of the Wind Farm Area 'VE Crni Vrh' in the territory of the Municipality of Žagubica (*Official Gazette of the Municipality of Žagubica*, Nos. 26/21 and 27/21) mining activities are not foreseen.

The Institute for Nature Conservation of Serbia stated that after having insight into the Central Register of Protected Natural Resources and other documents, the Institute **does not have any new data** on distribution and status of the existing or newly recorded wild species and habitat types in the respective area compared to the statement enclosed as part of the documentation to the previous report of the Ministry of Environmental Protection.

We are looking forward to your response and would like to express our gratitude for the Bureau's time and consideration in this matter.

Sincerely,

DEPUTY PRIME MINISTER
AND MINISTER



Irena Vujović

Annex I – Report by the Ministry of Construction, Transport and Infrastructure

Annex II - Report by the Ministry of Mining and Energy

Annex III - Report by the Institute for Nature Conservation of Serbia

Annex IV - Report by the Municipal Assembly of Bosilegrad

Annex V - Report by the Municipal Assembly of Žagubica

Annex I – Report by the Ministry of Construction, Transport and Infrastructure

Coat of Arms

Republic of Serbia
MINISTRY OF CONSTRUCTION,
TRANSPORT AND INFRASTRUCTURE
Sector for spatial planning and urban planning
Number:001902542 2024 14810 006 000 000 001
Date: 17th June 2024
Kralja Milutina Street 10a, Belgrade

Rectangular stamp attached hereto:
The Administration for Joint Services of
the Republic Bodies
Records management office 1056
Received on: 25th June 2024
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MINISTRY OF ENVIRONMENTAL PROTECTION

Omladinskih brigada 1
11 000 Belgrade

SUBJECT : Response to Complaint number 2022/06: Possible negative impact of mining activities in Bosilegrad and mountainous area of Homolje

Dear Sir/Madam,

By your letter number 001818484 2024 14850 004 008 000 001 regarding the Decision of the Council of Europe's Berne Convention Bureau on Complaint No. 2022/6: New complaint: Serbia: Possible negative impact of mining activities in Bosilegrad and mountainous area of Homolje, submitted to the Ministry by the Council of Europe's Bern Convention Secretariat on 15th April 2024, you requested response to the subject matter complaint.

The subject matter complaint consolidates two complaints: Complaint referring to the possible negative impact of mining activities in Bosilegrad and Complaint referring to the possible negative impact of mining activities in the mountainous area of Homolje.

We hereby inform you that the Ministry of Construction, Transport and Infrastructure does not carry out activities related to the preparation of spatial plans for special purpose areas, stipulated in Article 21, item 2 of the Law on Planning and Construction ("Official Gazette of RS", no.72/2009, 81/2009 - corrigendum, 64/2010 - SC decision, 24/2011, 121/2012, 42/2013 - SC decision, 50/2013 - SC decision, 98/2013 - SC decision, 132/2014, 145/2014, 83/2018, 31/2019, 37/2019 - other law, 9/2020, 52/2021 and 62/23) in the aforementioned area.

Respectfully,

ACTING SECRETARY OF THE MINISTRY
VOJKAN TOMIĆ, *signed, signature illegible*
Per procuration of the Minister
No. 001587809 2024 14810 010 006 000 001
of 7th May 2024

Delivered to:

- The addressee
- Archive

A round seal attached hereto: content illegible

Annex II - Report by the Ministry of Mining and Energy

Republic of Serbia
MINISTRY OF MINING AND ENERGY
No.: 001930702 2024 14820 007 000 000 001
Date: 18 June 2024

MINISTRY OF ENVIRONMENTAL PROTECTION
Irena Vujović, Deputy Prime Minister and Minister of Environmental Protection

Nemanjina 22-26,
11000 Belgrade

Dear Ms. Vujović,

Enclosed to your letter No.: 001818484 2024 14850 004 008 000 001 of 3 June 2024, you submitted to the Ministry of Mining and Energy the Decision of the Bureau of the Standing Committee of the Bern Convention on Complaint No.: 2022/6: Complaint on stand: Serbia: Possible negative impact of mining activities in Bosilegrad and in the Homolje Mt region. According to the respective decision of the Bureau, the Complaint is in the process of further monitoring and consideration of additional information in order to avoid the possible impact of mining activities in the respective region.

By inspecting the official record, it has been established that the Ministry submitted with its letters of 27 December 2022 and 1 June 2023 the required report on the issued approvals from its scope of work on the respective sites in accordance with your Ministry's letter.

By insight into the very Complaint, but also the Decision of the Bureau, it has been established that there are no clear coordinates of the area-site to which the Complaint relates.

1. As far as the exploitation of mineral resources in the vicinity of the state border area is concerned, in the territory of the Municipality of Bosilegrad, we would like to inform you of the following:

- As we have informed you in the letter No.: 310-02-01812/2022-02 of 27 December 2022, in the territory of the Municipality of Bosilegrad, Company Bosil-Metal d.o.o. performs exploitation of the lead and zinc ores. For the extended part of the exploitation area (for which the deadline under the decision expires on 1 August 2024) a research project was submitted in 2023 (for the period 2023 — 2026), and related to this project also the Mining project on the exploration of solid mineral resources approved by Decision No. 310-02-00908/2023-02 of 3 August 2023 and lasts as long as the research is ongoing, i.e. until 2026.

The Mining Inspection performed non-routine inspection supervision of the supervised entity:

2. Bosil-Metal d.o.o. — An inspection was carried out over the economic operator and on that occasion a record was made. In the record, two measures were ordered as follows: Prohibition of the Pilot Plant mining operations for technological testing of flotation processing of the lead, zinc and copper ores, in the exploitation area No. 515 — Podvirovi; and the measure prohibiting the disposal of intermediate product deriving from the

process of flotation of lead, zinc and copper ores outside the boundaries of the approved exploitation area No. 515
— Podvirovi.

Sincerely yours,

MINISTER
/s/ Dubravka Djedović Handanović

Delivered to:
- Addressee;
- Archive.

Annex III - Report by the Institute for Nature Conservation of Serbia

Rectangular stamp: ADMINISTRATION FOR JOINT SERVICES OF THE
REPUBLIC BODIES: 16 July 2024 - 480/04

INSTITUTE FOR NATURE CONSERVATION OF SERBIA

03 No. 025-2353/2
9 July 2024

MINISTRY OF ENVIRONMENTAL PROTECTION

Omladinskih brigada 1
11070 Novi Beograd

Your Ref. No.: 001818484 2024 14850 004 008 000 001 of 3 June 2024

The Institute for Nature Conservation of Serbia received your request registered under 03 No. 025-2353/1 of 14 June 2024, for the supplement to the report on progress on the Complaint No. 2022/06: '*Complaint on stand: Serbia: Possible negative impact of mining activities in Bosilegrad and in the Homolje Mt region*'.

In reference to your request related to the text of the Decision of the Bureau of the Bern Convention in the Council of Europe, for the purpose of making a statement regarding the Complaint No. 2022/06 of 15 April 2024, related to the obligation of Contracting Parties signatories of the Bern Convention to protect habitats and species throughout their territory, i.e. to submit information on the implementation of actions for the protection of species and habitats under Annexes II and III of the Bern Convention, which could be endangered due to mining activities in Bosilegrad and in the Homolje Mt. region, we would like to inform you as follows:

- By inspecting the Central Register of Protected Natural Resources and the Institute's documentation, it has been found that for the respective sites, the Institute does not have any new data concerning the answer to the Complaint submitted to you on 28 December 2022 (Case-file 03 No. 025-4042/2; Your Ref. No.: 337-00-00128/2022-04 of 15 November 2022);
- In its own database, the Institute does not have any new data on distribution and status of the existing or newly recorded wild species and habitat types in the respective area;
- According to the Natural Resource Protection Plan 2024, and because of pre-defined commitments, the Institute has not carried out research or monitoring of wild species and habitat types under Annexes II and III of the Bern Convention in the areas where mining activities are performed.

On the basis of the aforementioned, we would like to inform you that the Institute for Nature Conservation of Serbia has no new available data relevant for the supplement to the report on progress on the Complaint No. 2022/06.

Acting DIRECTOR
/s/ Marina Šibalić

Enclosure:

Answer to Complaint No. 2022/06: Complaint on stand: Serbia: Possible negative impact of mining activities in Bosilegrad and in the Homolje Mt region' (03 No. 025-4042/2 of 28 December 2022; Your ref. No.: 337-00-00128/2022-04 of 15 November 2022);

Cc:

- The Applicant
- Archive



INSTITUTE FOR NATURE CONSERVATION OF SERBIA

Current account No.: 840-518664-16 opened with the Treasury Administration + TIN 106844260 + Reg. No.: 17798561 +
Business activity code: 9104

HQ 11070
Novi Beograd
Japanska 35
Tel: 011 20 93 800
011 20 93 801
Fax: 011 20 93 887
beograd@zps.rs

03 No. 025-4042/2

Date: 28 December 2022

MINISTRY OF ENVIRONMENTAL PROTECTION

11070 NOVI BEOGRAD
Omladinskih brigada 1

OFFICE IN NIŠ
18000 NIŠ
Vožđa Karađorđića 14
Tel/Fax: 018 523 448
018 523 449
nis@zps.rs

Acting upon your request No. 337-00-00128/2022-04 of 15 November 2021, registered in the Institute under 03 No. 025-4042/1 on 28 November 2022, related to 'Complaint No. 2022/6: New complaint: Serbia: Possible negative impact of mining activities in Bosilegrad and in the Homolje Mt region', in order to provide the answers to the Secretariat of the Bern Convention in the Council of Europe, the Institute for Nature Conservation of Serbia hereby establishes as follows:

- 'Complaint No: 2022/6: New complaint: Serbia: Possible negative impact of mining activities in Bosilegrad and in the Homolje Mt region' integrates two complaints:

1. The respective Complaint No. 1 related to possible negative impact of mining activities in Bosilegrad, filed by the International NGO 'Earth Thrive' in collaboration with the Association 'EkoKrajište' from Bosilegrad; King's College Legal Clinic, from London (United Kingdom), and 'Balkanika' from Sofia (Bulgaria). The Complainants state that the mining activities in the Karamanica ore field violate the provisions of the Bern Convention.
2. The respective Complaint No. 2 related to the possible negative impact of mining activities in the Homolje Mt region, filed by the International NGO 'Earth Thrive', in collaboration with NGOs 'Mlavska vojska' and 'Čuvari Homolja' and International NGO 'Earth Law Center' from the United States of America.
The Complainants state that the approval for the construction of a mine in the Homolje Mt region within the Timok Gold Project, implemented by the Canadian Company 'Dundee Precious Metals' (DPM), would violate the provisions of the Bern Convention.

By insight into the Central Register of Protected Natural Resources and the information system on environmental protection kept by the Institute for Nature Conservation of Serbia, and in accordance with your request, the Institute would like to inform you of the following:

To Question No. 2. of Complaint No. 1: Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected? (Mentioned in Appendices II and VI of this Complaint), the answer is as follows:

- representatives of wild fauna and habitat types in Appendices II and VI of this Complaint are essential elements of biodiversity of Bosilegrad and its surroundings as well as Serbia in general. Habitat types mentioned in Annex I of Resolution 4 of the Bern Convention, mentioned in Appendices, are present in the wider surroundings of the site in question (Mountain Dukat and

Dragovištica River with tributaries). In the very research area and immediate surroundings, two types of habitats have been recorded, frequent in the territory of Serbia: Moesian beech (*Fagus moesiaca*) and silicate minerals. The Institute took this fact into account when issuing acts on conditions for nature conservation for geological research in the Karamanica area;

- Amphibian and reptile species are potentially endangered bearing in mind that their life is connected to water surfaces into which the wastewater will be released (amphibians due to their reproductive cycle, but also snakes: the grass snake and the dice snake because of food). Beside habitat destruction, in general, the important factors are also the intersection of migratory routes due to construction of infrastructure (roadkill), habitat fragmentation leading to the isolation of certain parts of the population into smaller enclaves (metapopulation), which in the long run may be threatened with extinction;
- For the mammal species mentioned in Appendix VI of the Complaint, the following has been established:
 - According to available data of the Institute for Nature Conservation of Serbia, the following species: Schreibers' Bent-wing Bat (*Miniopterus schreibersii*), Common Noctule (*Nyctalus noctula*), Greater Horseshoe Bat (*Rhinolophus ferrumequinum*), Lesser Horseshoe Bat (*Rhinolophus hipposideros*), Savi's Pipistrelle (*Hypsugo savii*), Barbastelle Bat (*Barbastella barbastellus*), Greater Myotis (*Myotis myotis*), Steppe Mouse or Mound-building Mouse (*Mus spicilegus*), Balkan Lynx (*Lynx lynx martinoi*) and Red Deer (*Cervus elaphus*), do not inhabit the respective Karamanica mine area or the surrounding wider area;
 - Species, such as: Northern White-breasted Hedge (*Erinaceus roumanicus*), European Mole (*Talpa europaea*), European Hare (*Lepus europaeus*), Red Squirrel (*Sciurus vulgaris*), Edible Dormouse or Fat Dormouse (*Glis glis*), Red Fox (*Vulpes vulpes*), European Pine Marten (*Martes martes*), European Badger (*Meles meles*), European Wildcat (*Felis silvestris*), Wild Boar (*Sus scrofa*) and Roe Deer (*Capreolus capreolus*) are found on the list of Appendix III of the Bern Convention, and have a 'protected wild fauna species' status at the national level accordingly. These are species relatively widely distributed in the territory of Serbia. The respective area is not considered to be of particular importance for the Favourable Conservation Status for any of the mentioned species;
 - Gray Wolf (*Canis lupus*) species is found on the list of Appendix II of the Bern Convention; in the process of accession and adoption of the provisions of the Bern Convention, Serbia expressed reservations concerning the strict protection of this species; thus, at the national level, this species has the 'protected wild species' status accordingly. The wolf is relatively widely distributed in the territory of Serbia, with stable and slightly positive (upward) population trends. The respective area is not an area of particular importance for maintaining the Favourable Conservation Status in Serbia;
 - Other mentioned rodent species do not have a special status neither within the provisions of the Bern Convention or at the national legislation level;
- Bird species: Semicollared Flycatcher (*Ficedula semitorquata*) mentioned in Appendix IV of the Complaint, is a species with the westernmost boundary of the global area of distribution in southern and eastern parts of Serbia. Valleys of the Rivers Pčinja, Vlasina, Jerma, Stara Planina Mt and Jastrebac Mt are the only sites where this rare species nests. The assessed size of population at the national level is 100 to 150 bird pairs (The Red Book of the Fauna in Serbia 3. Birds). Category of threatened species is Near Threatened (NT). This species prefers mature deciduous forests (Mountain Beech with other deciduous trees). The basic risk factors for this species are devastation of

deciduous forest, excessive opening of forest complexes and removal of rotten and damaged trees where this species nests. Upon having insight into the Institute's database, it has been established that the Semicollared Flycatcher is registered in the Municipality of Bosilegrad, in the basin of the Bresnička River, tributary of the Dragovištica River in the Cadastral Municipality K.O. Mlekominici;

On the other hand, BirdLife International in collaboration with the Serbian partners in 2020, declared new Important Bird Areas (IBA) at the international level for the birds in Serbia, where Dukat is IBA as well. During the implementation of IPA 2016 Project: EU for Serbia - Continued support to implementation of Chapter 27 in the area of nature protection (NATURA 2000), IBA Dukat was proposed as pSPA044 - Dukat (surface area of 42,468 ha). Recorded values can be seen at the following link: <https://daphne.sk/Natura2000Serbia/pspa044f.html>

To Question No. 3: What might be the negative effects for the specie/s or habitat/s involved?, we would like to note as follows:

In the period 2006 – 2021, the Institute issued seven acts prescribing conditions for nature conservation for geological research in the Karamanica area near Bosilegrad, where, beside conditions for the protection and conservation of wild flora and fauna and their habitats, conditions for the prevention of the pollution of water, air and soil were mentioned.

To Question No. 4: Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, the answer is as follows:

Under the Habitats Directive are the following species:

- Gray Wolf (*Canis lupus*) and the European Wildcat (*Felis silvestris*) - Annex II, IV; The European Pine Marten (*Martes martes*) - Annex V.;
- Eight bird species: The Black Woodpecker (*Dryocopus martius*), The Grey-headed Woodpecker (*Picus canus*), Corncrake (*Crex crex*), Wood Lark (*Lullula arborea*), The Red-backed Shrike (*Lanius collurio*), Barred Warbler (*Sylvia nisoria*), The White-backed Woodpecker (*Dendrocopos leucotos*), Hazel Grouse (*Bonasa bonasia*) and Semicollared Flycatcher (*Ficedula semitorquata*) are found in Annex I to the Birds Directive;
- Five species: The Common Quail (*Coturnix coturnix*), Semicollared Flycatcher (*Ficedula semitorquata*), The Golden Eagle (*Aquila chrysaetos*), Corncrake (*Crex crex*) and Barred Warbler (*Sylvia nisoria*) are found in Annex II of the Convention on Migratory Species of Wild Animals (Bonn Convention);
- As well as nine species in Annex II of the Bern Convention (strictly protected species): The Golden Eagle (*Aquila chrysaetos*), The black Woodpecker (*Dryocopus martius*), The Grey-headed Woodpecker (*Picus canus*), Corncrake (*Crex crex*), Wood Lark (*Lullula arborea*), The Red-backed Shrike (*Lanius collurio*), Barred Warbler (*Sylvia nisoria*), The white-backed Woodpecker (*Dendrocopos leucotos*) and Semicollared Flycatcher (*Ficedula semitorquata*), and
- Two species in Annex III of the Bern Convention (protected species): Hazel Grouse (*Bonasa bonasia*), The Common Quail (*Coturnix coturnix*).

The Institute had in mind these facts when issuing acts on conditions for nature conservation for geological research in the Karamanica area near Bosilegrad.

To Question No. 2 of the Complaint No. 2: Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected?, and mentioned in Appendix IV of this Complaint, the answer is as follows:

- Types of habitats mentioned in Appendix VI: List of Threatened Habitats covered with EUNIS habitats classification of this Complaint, are of importance for the whole Homolje Mt region and for the whole of Serbia; however, not all mentioned types are found inside the research areas where geological research was carried out or is still carried out. The Institute had in mind these facts when issuing acts on conditions for nature conservation for geological research and activities on the Homolje Mt;
- Amphibian and reptile species are potentially endangered bearing in mind that their life is connected to water surfaces into which the wastewater will be released (amphibians due to their reproductive cycle, but also snakes: the grass snake and the dice snake because of food). Beside habitat destruction, in general, the important factors are also the intersection of migratory routes due to construction of infrastructure (roadkill), habitat fragmentation leading to the isolation of certain parts of the population into smaller enclaves (metapopulation), which in the long run may be threatened with extinction;
- For the mammal species mentioned in Appendix VI of the Complaint, the following has been established:
 - According to available data of the Institute for Nature Conservation, the species: Steppe mouse or Mound-building Mouse (*Mus spicilegus*) does not inhabit the area of the planned mine, or wider surroundings;
 - Species, such as: Northern White-breasted Hedge (*Erinaceus roumanicus*), European Mole (*Talpa europaea*), European Hare (*Lepus europaeus*), Red Squirrel (*Sciurus vulgaris*), Edible Dormouse or Fat Dormouse (*Glis glis*), Red Fox (*Vulpes vulpes*), European Pine Marten (*Martes martes*), European Badger (*Meles meles*), European Wildcat (*Felis silvestris*), Wild Boar (*Sus scrofa*), Red Deer (*Cervus elaphus*) and Roe Deer (*Capreolus capreolus*) are found on the List of Appendix III of the Bern Convention, and have a 'protected wild fauna species' status at the national level accordingly. These are species relatively widely distributed in the territory of Serbia. The Homolje Mt region is an important habitat of the Red Deer (*C. elaphus*) and part of a much wider area in the eastern part of Serbia. The very mining zone and the respective area are not considered to be of particular importance for the Favourable Conservation Status for any of the mentioned species;
 - Lynx (*Lynx lynx*) is also found on the List of Appendix III of the Bern Convention and has a 'protected wild fauna species' status at the national level accordingly. The Homolje Mt. region is found within a much wider area in the eastern Serbia. The very mining zone is not considered to be of particular importance for the Favourable Conservation Status for any of the mentioned species;
 - Species: Grey Wolf (*Canis lupus*) and Brown Bear (*Ursus arctos*) are found on the list of Appendix II of the Bern Convention. In the process of accession and adoption of the provisions of the Bern Convention, Serbia expressed reservations concerning the strict protection of the wolf species; thus, at the national level, this species has the 'protected wild species' status accordingly. It is relatively widely distributed in the territory of Serbia, with stable and slightly positive (upward) population trends. The Homolje Mt region is an important wolf habitat in the eastern Serbia, although the mining zone is not considered to be an area of particular importance for the Favourable Conservation Status in Serbia. The Brown Bear has the status of a 'strictly protected wild species'. The Homolje Mt region is currently an area of occasionally spotted and recorded presence of individuals of Brown Bear. The mining zone of the planned mine is not

- considered to be of particular importance for the Favourable Conservation Status of this species in Serbia;
- Bat species: Schreibers' Bent-wing Bat (*Miniopterus schreibersii*), Common Noctule (*Nyctalus noctula*), Greater Horseshoe Bat (*Rhinolophus ferrumequinum*), Lesser Horseshoe Bat (*Rhinolophus hipposideros*), Savi's Pipistrelle (*Hypsugo savii*), Barbastelle Bat (*Barbastella barbastellus*), Greater Myotis (*Myotis myotis*), are found on the List of Appendix II of the Bern Convention. At the national level, they have the status of a 'strictly protected wild species'. Although the eastern Serbia region is an area of high diversity in the bat fauna, the very mining zone is not considered to be of particular importance for the Favourable Conservation Status of species in Serbia or the species endangerment factor;
 - The other mentioned rodent species do not have a special status neither under the provisions of the Bern Convention nor under the national legislation.
- Bird species mentioned in Question 2 and found on the list at the link in the Complaint do not match up to a great extent and many species mentioned in the text box are connected to major water surfaces and navigable waterways that do not exist in the Homolje Mt region. On the other hand, many common bird species found on the list, like the representatives of the crow family, are most numerous in Serbia; thus, their survival in Serbia as well as in the surrounding regions is not at all in question. Of course, among the most endangered species of the wider region are The Golden Eagle (*Aquila chrysaetos*) and The Peregrine Falcon (*Falco peregrinus*), although these species are not mentioned on the list at the link found in the Complaint, so that these species most probably have not been detected in the research area of the mining site. Local populations or parts of populations of all species in the region are potentially endangered, bearing in mind that many habitats used by these species will disappear should the mine is open. Specifically, the submitted list of 82 bird species, includes 6 endangered species at the national level: Partridge, Turtledove, Eagle Owl, The Short-toed Snake Eagle, Goshawk and The White-backed Woodpecker. In the category of vulnerable species (VU according to IUCN) are as follows: Partridge (*Perdix*), Turtledove (*Streptopelia turtur*) and The White-backed Woodpecker (*Dendrocopos leucotos*) and near threatened (NT according to IUCN) are Goshawk (*Accipiter gentilis*) and Eagle Owl (*Bubo bubo*) and The Short-toed Snake Eagle (*Circus gallicus*). Furthermore, caution should be exercised when analysing the threat of the abovementioned species, since not all of them are affected with the same intensity, and for some species it is not possible to compensate for the loss. First of all, we have in mind The Golden Eagle and The Peregrine Falcon in the wider region, with most weakened populations in the eastern Serbia, whose capacity for recovery is low. On the other hand, species like Partridge, The Eurasian Woodcock and Goshawk, beside being endangered hunting species, face, along with the loss of habitat, other challenges as well. All other species from the list mentioned in the Complaint are found in the Red Book of the Fauna in Serbia 3. Birds, and are marked as the last to worry about.

To Question No. 3: What might be the negative effects for the specie/s or habitat/s involved?, we would like to note as follows:

In the period from 2006 to present, the Institute issued numerous acts related to geological research and extraction of ore elements in the Homolje Mt region, in which, beside conditions for the protection and conservation of wild flora and fauna, conditions for the prevention of pollution of water, air and soil are mentioned.

To Question No. 4: Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, the answer is as follows:

Under the Habitats Directive are the following species:

- Species and habitat types mentioned in the Complaint No. 2 are of importance for the whole Homolje Mt region and for the whole of Serbia; however, not all mentioned types are found inside the research areas where geological research was carried out or is still carried out. The Institute had in mind these facts when issuing acts on conditions for nature conservation for geological research and activities in the Homolje Mt region;
- Gray Wolf (*Canis lupus*) and Brown Bear (*Ursus arctos*), Lynx (*Lynx lynx*) and The European Wildcat (*Felis silvestris*) - Annex II, IV; The European Pine Marten (*Martes martes*) - Annex V;
- Schreibers' Bent-wing Bat (*Miniopterus schreibersii*), Common Noctule (*Nyctalus noctula*), Greater Horseshoe Bat (*Rhinolophus ferrumequinum*), Lesser Horseshoe Bat (*Rhinolophus hipposideros*), Savi's Pipistrelle (*Hypsugo savii*), Barbastelle Bat (*Barbastella barbastellus*), Greater Myotis (*Myotis myotis*) – Annex II, IV;
- Bird species found in Annex I of the Birds Directive and mentioned in the List are as follows: Hazel Grouse (*Bonasa bonasia*), Eagle Owl (*Bubo bubo*), The European Nightjar (*Caprimulgus europaeus*), The Short-toed Snake Eagle (*Circaetus gallicus*), The White-backed Woodpecker (*Dendrocopos leucotos*), The Black Woodpecker (*Dryocopus martius*), The Collared Flycatcher (*Ficedula albicollis*), The Red-backed Shrike (*Lanius collurio*), Middle Spotted Woodpecker (*Leiopicus medius*), Wood Lark (*Lullula arborea*), The European Honey Buzzard (*Pernis apivorus*), The Grey-headed Woodpecker (*Picus canus*) and Barred Warbler (*Sylvia nisoria*);
- Species under Annex II of the Bern Convention are as follows: *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*;
- Under Annex III of the Bern Convention are as follows: *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*.
- On the other hand, BirdLife International in collaboration with the Serbian partners in 2020 declared new Important Bird Areas (IBA) in Serbia, where IBA Homolje is found as well. The area is established due to the presence of the following species: The White-backed Woodpecker (*Dendrocopos leucotos*), The Black Woodpecker (*Dryocopus martius*), The Collared Flycatcher (*Ficedula albicollis*) The Red-breasted Flycatcher (*Ficedula parva*), The Grey-headed Woodpecker (*Picus canus*), Marsh Tit (*Poecile palustris*) and The Ural Owl (*Strix uralensis*). During the IPA 2016 Project: EU for Serbia - Continued support to implementation of Chapter 27 in the area of nature protection (NATURA 2000), this area was proposed as pSPA053 - Kučaj - Beljanica (surface area of 113,913 ha). Key bird species for determining a Special Protection Area are mentioned at: <https://daphne.sk/Natura2000Serbia/pspa053f.html>;

According to the Convention on Migratory Species of Wild Animals (Bonn Convention) in the Homolje Mt region, in Annex II, the following species are found: Schreibers' Bent-wing Bat (*Miniopterus schreibersii*), Common Noctule (*Nyctalus noctula*), Greater Horseshoe Bat (*Rhinolophus ferrumequinum*), Lesser Horseshoe Bat (*Rhinolophus hipposideros*), Savi's Pipistrelle (*Hypsugo savii*), Barbastelle Bat (*Barbastella barbastellus*) and Greater Myotis (*Myotis myotis*).

The Institute had in mind these facts when issuing acts on conditions for nature conservation for geological research in the Homolje Mt region.

Acting DIRECTOR
/s/ Marina Šibalić

Cc:

- The Applicant
- Archive x 2

Annex IV - Report by the Municipal Assembly of Bosilegrad

Republic of Serbia
MUNICIPALITY OF
BOSILEGRAD
Municipal Administration
**Municipal Environmental Protection
Administration**
Number: 501-39-2/2024
Date: 22.07.2024
BOSILEGRAD

Ministry of Environmental Protection

1 Omladinskih brigade St, SIV III
11070 Belgrade/Serbia
Ms Snežana PROKIĆ

Subject: Reply to Information Request

Dear Ms Prokić,

With reference to your document number: 001818484 2024 14850 004 008 000 001 of 09.07.2024 requesting provision of a Statement on Complaint No. 2022/06, which refers to the negative impact of mining activities in Bosilegrad, we hereby inform you of the following:


Since the delivery of your Request for Information and our reply in the form of an official letter – Letter No. 501-39-1/2024 dated 18 January 2024, no changes have been identified thus far.

Furthermore, we would like to inform you that the Municipality of Bosilegrad has been conducting continuous surface water monitoring within its territory since 2021, including the Karamanica River. The testing is performed on the section of the River Karamanica 300 meters downstream from the Bosil-metal mine in the village of Karamanica. The results of the physical and chemical testing of all samples **comply** with the values specified by the Regulation on limit values of pollutants in surface and underground waters and sediment, as well as the deadlines for their achievement (“Official Gazette of the Republic of Serbia”, No. 50/2012). Additionally, the aforementioned testing results **comply** with the values prescribed by the Rulebook on hazardous substances in water (“Official Gazette of the Republic of Serbia”, No. 31/82) for water hazard classes WHC I and WHC II.

The results of all measurements can be found on the official website of the Bosilegrad municipality at the following link: <http://www.bosilegrad.org/sr/Monitoring.aspx>

Sincerely,

MUNICIPAL ENVIRONMENTAL
PROTECTION ADMINISTRATION
environmental advisor
Mikica Vasilev, MSc in Environmental
Engineering

СЛУЖБА
ЗАШТИТЕ ЖИВОТНЕ СРЕДИНЕ
заветник за послове животне средине

Микица Василев, дипл. инж. з.жс

MAYOR OF BOSILEGRAD

Vladimir Zaharijev



Annex V - Report by the Municipal Assembly of Žagubica

Republic of Serbia
MUNICIPALITY OF ŽAGUBICA
President of municipality
Number: IV-01-38-797/2024
Date: 26th June 2024
Žagubica

Rectangular stamp attached hereto:
The Administration for Joint Services of the
Republic Bodies
Records management office - 1033
Received on: 04 July 2024
the rest illegible

Republic of Serbia
MINISTRY OF ENVIRONMENTAL PROTECTION

11000 BELGRADE
Nemanjina 22-26

SUBJECT: Reply to your request for reporting on the Complaint number 2022/06, on monitoring possible negative impact of mining activities in the mountainous area of Homolje

Dear Sir/Madam,

As regards the request of the Ministry of Environmental Protection, number 001818484 2024 14850 004 008 000 001 of 03rd June 2024 (received on 14th June 2024), for reporting on the Complaint No. 2022/06, on monitoring possible negative impact of mining activities in the mountainous area of Homolje, we inform you of the following:

For a part of the area where mining activities are carried out in the territory of the municipality of Žagubica, the valid planning document is the Spatial Plan of the Municipality of Žagubica ("Official Gazette of the Municipality of Žagubica, No. 2/11), and geological exploration of mineral resources does not contradict the mentioned plan; and for a part of the area where mining activities are carried out in the territory of the municipality of Žagubica, the valid planning document is the General Regulation Plan for the area of wind farm "WF Crni Vrh" in the territory of the municipality of Žagubica ("Official Gazette of the Municipality of Žagubica", no. 26/21 and 27/21) and it does not stipulate any mining activities in the area covered by the plan.

Exploration works and exploitation of mineral resources are exclusively the responsibility of the state authorities (plans adoption, permits issuance, and similar).

On the subject of allegations from complaints about the possible negative impact of mining activities on the environment in the mountainous area of Homolje, the Municipality of Žagubica has no cognisance, i.e. the municipality of Žagubica has never done any studies, elaboration or similar regarding the threat to the environment in Homolje, nor has any report, study or similar ever been submitted to the municipality of Žagubica by any competent state authority.

Sincerely,

President of the municipality of Žagubica
Safet Pavlović
Signed, signature illegible

A round seal attached hereto: The Republic of Serbia, Žagubica, Municipality of Žagubica, Coat of Arms,
President



Republic of Serbia
Ministry of Environmental Protection
ENVIRONMENTAL PROTECTION AGENCY
Number: internal information purposes
Belgrade, 18.07.2024

Subject: Information on the state of water quality in the Karamanica and Popovska Rivers downstream of the “Podvirovi” and “Popovica” Mines, Karamanica Village, Municipality of Bosilegrad

- The Environmental Protection Agency, as an administrative body responsible for the implementation of national monitoring of the quality of surface and underground waters on the territory of the Republic of Serbia, does not conduct water quality testing of the waters of Karamanica and Popovska rivers downstream of the “Podvirovi” and “Popovica” mines, the territory of Karamanica village, Municipality of Bosilegrad. Additionally, these rivers are not included in the Regulation on Determining the Annual Water Status Monitoring Programme. Instead, the rivers belong to the basins of the Golema River, the Bistarska River and the Dragovištica River.
- The Environmental Protection Agency, concerning the aforementioned area, conducts **water quality testing of the Dragovištica River at Ribarce profile (border section of the Dragovištica River course)**. Water sampling and testing was carried out on a monthly basis in accordance with the Annual Water Status Monitoring Programme of surface and underground waters.
- The chemical analyses results of the content of heavy metals in the water of the Dragovištica River **in 2023 and 2024, respectively**, were compared with the prescribed limit values for the II class of surface water quality (*Regulation on limit values of pollutants in surface and underground waters and sediment, and the deadlines for their achievement, Official Gazette of the Republic of Serbia, No. 50/2012; Regulation on limit values of priority substances and priority hazardous substances polluting surface waters, and the deadlines for their achievement, Official Gazette of the Republic of Serbia, No. 24/2014*). Higher values were only identified regarding the **total iron content - Fe (III class): 612.0 µg/l** in 2023 (on the date 29.06.2023), while so far in 2024, the total iron content (Fe) has remained within the prescribed limits. Total heavy metal concentrations - zinc (Zn), copper (Cu), manganese (Mn), boron (B), chromium (Cr), arsenic (As), as well as concentrations of dissolved heavy metals - nickel (Ni), cadmium (Cd), mercury (Hg) and lead (Pb), were found to be within the prescribed limit values for the II class of surface water quality.

Addendum: Water quality data of the Dragovištica River in 2023 and 2024

- February 2024 -



**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 Mikaël 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 Rađovnica, 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 PROTECTION

2 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 aforesaid 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
**INSTITUTE FOR NATURE CONSERVATION
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