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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

42<sup>nd</sup> meeting

Strasbourg, 28 November – 2 December 2022

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**Open File: 2016/04**

**Development of a commercial project in Skadar  
Lake National Park and candidate Emerald site  
(Montenegro)**

**- REPORT BY THE COMPLAINANT -**

*Document prepared by  
the Informal Citizens Group from Virpazar & NGO Green Home, Montenegro*

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- August 2022 –

To:

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 Podgorica 23.08.2022

### REPORT

During the reporting period, compliant 4/2016 was passed from Informal Citizens Group from Virpazar to NGO Green Home.

NGO Green Home would like to thank to The Standing Committee for keeping file 4/2016 open.

This document covers the latest update, and follows up on those previously submitted.

#### **Key updates:**

- **No meaningful progress from Montenegrin government on recommendations 201.**

#### **Comments:**

In our view, the lack of progress in the implementation of the recommendations 201/2018 and general lack of protection in the National Park are largely due to the political crisis in Montenegro. Decisions regarding the case of SLS Mihailovići and revocation of associated building permits is a political decision that will need to be made on the level of the Government.

#### **Details:**

Recommendations and measures given to the Government are listed below with its current status of implementation.

- The Government of Montenegro shall immediately apply the following conservation and management measures to be pursued over the next 12 months (until Jun 2019).

**Status of implementation:** Progress made in regards to the conservation and management measures in presented in the Table below (*Table 1*).

*Table 1: Progress on the recommendations of the Bern and Ramsar Secretariat*

	<b>Conservation and management measures recommended by the Mission</b>	<b>Results achieved (according to the publicly available information)</b>
(1)	Halt any further development on the mainland as well as the shore zone and water body of the Mihailovići location unless a detailed habitat map on a 1:10,000 scale for Mihailovići, Poseljanski Zaliv Bay, Biški rep, the mouth of Crnojevića river, the mouth of Bazagurska matica and the islands Liponjak and Galići has been	Further development on the mainland was stopped. Detailed habitat map on 1:10,000 scale for Mihailovići, Poseljanski zaliv Bay, Biški rep, the mouth of Crnojevića river, the mouth of Bazagurska matia and the islands Liponjak and Galići was not provided until now.

	provided. The habitat map, ideally based on earth observation images, shall clearly classify any habitat type pursuant to the EUNIS habitat classification and EU Habitat Directive. The detailed habitat map provides the basis for any environmental impact assessment.	Habitat types pursuant to the EUNIS habitat classification and EU Habitat Directive were classified in the frame of the GIZ (The Deutsche Gesellschaft für Internationale Zusammenarbeit) project "Natura 2000 Habitat Mapping of the Skadar Lake National Park" <sup>1</sup> implemented in 2019 in the area of Skadar Lake.
(2)	Elaborate immediately a reference list of all present EUNIS and Natura 2000 habitats with a focus on wetlands habitats, define their favorable conservation status and the necessary conservation measures to maintain or restore the favorable conservation status and include those measures in any planning document related to the conservation of Skadar Lake National Park, Skadarsko jezero Ramsar Site and Candidate Emerald Sites Skadar Lake.	Habitat types were defined through the project Natura 2000 Habitat Mapping of the Skadar Lake National Park. However, Government of Montenegro did not adopt <b>Management plan for national park Skadar lake for the period from 2021 - 2025</b> . This obligation is defined by <b>Law on National parks</b> <sup>2</sup> and <b>Law on nature protection</b> <sup>3</sup> . <b>Management plan for National park Skadar Lake for the period 2016 - 2020</b> <sup>4</sup> expired.  In <b>July 2022</b> there was organized public debate for the new Management plan for the <b>period 2021 - 2025</b> , even though period for its implementation already passed more than year and a half. After the public debate, until now Management plan was not adopted.
(3)	Establish and run a monitoring system on species strictly protected according to Appendices I and II of the Bern Convention resp. Natura 2000 species and habitats by the National Environmental Protection Agency at first at least in the area mentioned under (1). The monitoring system must include the otter ( <i>Lutra lutra</i> ).	Monitoring system should be defined by the <b>Management plan for national park Skadar lake for the period from 2021 - 2025</b> . This obligation is defined by <b>Law on National parks</b> <sup>5</sup> and <b>Law on nature protection</b> <sup>6</sup> . <b>Management plan for National park Skadar Lake for the period 2016 - 2020</b> <sup>7</sup> expired.  In <b>July 2022</b> there was organized public debate for the new Management plan for the <b>period 2021 - 2025</b> , even though period for its implementation already passed more than year and a half. After the public debate, until now it was not adopted.
(4)	Provide the Convention's secretariats with georeferenced and digitalized borders of	Not implemented according to the available information.

<sup>1</sup> Natura 2000 Habitat Mapping of the Skadar Lake National park in Montenegro, available here: [https://www.researchgate.net/publication/338596069\\_Natura\\_2000\\_Habitat\\_Mapping\\_of\\_the\\_Skadar\\_Lake\\_National\\_Park\\_in\\_Montenegro](https://www.researchgate.net/publication/338596069_Natura_2000_Habitat_Mapping_of_the_Skadar_Lake_National_Park_in_Montenegro)

<sup>2</sup> Law on National parks - "Official Gazette of Montenegro", No. 28 from 4. July 2014, 39/16

<sup>3</sup> Law on nature protection – "Official Gazette of Montenegro", No. 054/16 from 15.08.2016

<sup>4</sup> Management Plan for National park Skadar Lake for the period 2016 – 2020

<sup>5</sup> Law on National parks "Official Gazette of Montenegro", No. 28 from 4. July 2014, 39/16

<sup>6</sup> Law on nature protection – "Official Gazette of Montenegro", No. 054/16 from 15.08.2016

<sup>7</sup> Management Plan for National park Skadar Lake for the period 2016 – 2020

	and respective updated data forms on both the corresponding Candidate Emerald Site and Ramsar Site.	
(5)	The new Special Purpose Plan for Skadar Lake National Park needs to follow the approach of the 2001 Special Plan for Skadar Lake National Park and reconfirm the designation of the broader area of the mouth of Crnojevića river and the Liponjak and Galići islands a Zone I of strict protection	In August 2018, <b>Draft on Special Purpose Spatial Plan for Skadar Lake National Park until 2025</b> was presented to the public through the public discussion that lasted 20 days. This draft document did not apply the recommendation of designation of Zone I of the broader area of the mouth of Crnojevića river and the Liponjak and Galići islands. For the needs of this Special Purpose Spatial Plan, the State Study of Location (DSL) Mihailovići that was completed in 2014 was treated as a committed obligation. The adoption of the Plan was expected in October 2018. However, until now, document was not finalized and adopted.
(6)	In addition, the Zone I area needs to include a 300 m wide belt on the lake around the islands and the sub-lacustrine springs.	<b>Draft on Special Purpose Spatial Plan for Skadar Lake National park until 2025</b> did not apply the recommendation to include a 300 m wide belt on the lake around the islands and the sub-lacustrine springs. However, until now, Plan was not finalized and adopted.
(7)	The new Special Purpose Spatial Plan for Skadar Lake National park needs to apply the designation of Zone I of strict protection to the Poseljanski zaliv Bay and Biški Rep shore zone. Namely, pursuant to the definition of the new Plan, strict protection is to be applied to natural conservation sites of ecological importance for the functioning of natural biological process and the integrity of ecosystems. The proposed area clearly fits in this definition, but not in the definition of Zone III of sustainable use to be applied to modified or changed natural habitats.	<b>Draft on Special Purpose Spatial Plan for Skadar Lake National park until 2025</b> did not apply the recommendation of designation of Zone I of strict protection to the Poseljanski zaliv Bay and Biški rep shore zone. However, until now, Plan was not finalized and adopted.
(8)	The use of speedboats has to be limited to police, border police, ranger service and other authorities with competences on the lake. Those have to follow speed restrictions except in case of emergency.	<b>Law on National parks</b> <sup>8</sup> in article 16 defines prohibitions in national parks. Among other things, it is prohibited to use vessels with an engine power over 10 horsepower (boats, speedboats, scooters, etc.) without approval, except for the needs of state administration bodies.

<sup>8</sup> Law on national parks (Official Gazette of Montenegro, No. 28 from 4 July 2014, 39/16)

		In 2020 the application of this norm begun. However, there was a lot of pressure from the fisherman on the institutions. Local people and fisherman organized protests against this norm. Until today it is <b>not implemented and there are no limits for speedboats on the lake.</b>
(9)	The use of personal water crafts (water scooters) and any other water activities which may harm the floating vegetation must be prohibited.	Same as above.
(10)	Regulations on boating, such as speed limit (a 4-knot speed restriction on the lake area in question), and distance from Zone I of strict protection and form the shore have to be stipulated.	Same as above.
(11)	No installation or constructions shall be allowed in the shore zone stretches classified with shore zone Functionality Index Under Category I (high) and II (good).	No available information on this question.

- ii) All further considerations made by Bern and/or Ramsar Convention as well as the Delegation of the European Union to Montenegro shall include the Porto Skadar Lake development on the urban planning plot UP1 and, in addition the development known as White Village on urban planning plots UP2 and UP3 of Mihailovići location as well as any other development on this location.

**Status of implementation:** Construction is stopped. However, there is no remediation implemented in the access roads where construction started. Additionally, several weeks ago a fire was set in the area.





- iii) According to the article 4 of the Decision on the adoption of SSL Mihailovići, the latter is valid until 2020, but respective building permits shall be issued within a three-year period only. The mission therefore strongly recommends to examine whether any building permit related to the location issued after October 2017 were be valid. In addition, the validity of SSL Mihailovići should not be renewed and the provisions of article 4 of the above-mentioned Decision should be applied in a way that through amendments the remaining facilities such as the landing place in front of UP1 shall be deleted.

**Status of implementation:** Construction is stopped. However, there is no remediation implemented in the access roads where construction started.

- iv) The competent authorities are asked to carefully examine the procedure which had let to the issuing of a landing place in the case of the White Village development and if necessary, revise or revoke the respective building permit. The mission recalls that pursuant to the provisions of SSL Mihailovići such a landing place must be subject of a separate environmental impact assessment.

**Status of implementation:** Construction is stopped. There is no available information on the revised permit.

- v) The competent authorities are supposed to provide and determine clear basic technical specifications and requirements in the appropriated planning documents which are related to the construction of any landing place or waste water treatment inside the protected area. Those specifications and requirements must fully consider the integrity and dynamics of the ecosystem of Skadar aLake National Park, Ramsar Site and Candidate Emerald Site.

**Status of implementation:** Not implemented.

- vi) The floating vegetation with large carpets of White-Water lily and Water Chestnuts is a special habitat on Skadar Lake. It is very sheer size of these habitat complexes that makes them representative on European level. Any reduction of those habitats shell be prohibited.

**Status of implementation:** Construction is stopped.

- vii) The Government of Montenegro should establish an effective dialogue mechanism with and participatory approach to all stakeholders in order to ensure information exchange as well as to consider any biodiversity data gathered by NGOs and the scientific community.

**Status of implementation:** One of mechanisms that could be used for the effective dialogue between stakeholders could be socio economic council already established for all five national parks. However, during last year there was not organized any meeting.

Also, Scientific Advisory Board of the National parks is not functioning. It should be used as a mechanism of information exchange between scientific community.

- viii) The mission encourages the Government of Montenegro to host the upcoming biogeographical seminar on Emerald sites in SEE.

**Status of implementation:** It was not implemented in Montenegro.

- ix) The Government of Montenegro should identify and define appropriate mitigation measures.

**Status of implementation:** There is no available information that any mitigation measure was identified and defined.

- x) Recalling the recommendations of the latest EC Montenegro 2018 Report of April 2018 which states that in the coming year, the national authorities in Montenegro should inter alia in particular take measures to preserve and improve ecological value of protected areas and potential Natura 2000 and Emerald Network sites such as Ulcinj Salina, Lake Skadar and river courses. Better coordination is needed with the “appropriate assessment” procedure under the Habitats Directive. Implementation of EIA and public consultation need to improve, especially at the local level. Potential investments in hydropower and touristic development need to comply with nature protection requirements.

**Status of implementation:** In EC Montenegro report 2021<sup>9</sup> Montenegro has **some level** of preparation in this area. **Limited progress** was made in further alignment with the EU aquis, on nature protection and to develop the National Energy and Climate Plan. However, Montenegro should in particular: “take urgent measures to preserve and improve the ecological value of protected areas and potential Natura 2000 sites such as Ulcinj Salina, Lake Skadar, the Tara river and other river courses”.

In general, same recommendations remain valid from year to year.

Besides this, there are permanent pressures on the ecosystem of Scadar lake such as:

1. **Illegal construction of buildings**
2. **Illegal fishing.** For the first time after 10 years, during 2022 *Pelecanus crispus* (Dalmatian pelican) **were not able to nest** in NP Skadar Lake due to the constant poaching in the area.

Additionally, in reporting period, there was actualized the project of construction of **specialized marina in Virpazar**. This project did not receive consent on the Environmental Impact Assessment Study by Environmental Protection Agency.

This complaint has ambitions to prevent irreversible damage to NP Skadar Lake.

Reiterating our key positions:

1. **Abandoning SLS Mihalovici entirely** (validity expired in 2020) and, in the light of current evidence, revoking all building permits for Porto Skadar Lake and White Village. This will

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<sup>9</sup> Montenegro Report 2021, available here:

[https://neighbourhood-enlargement.ec.europa.eu/montenegro-report-2021\\_en](https://neighbourhood-enlargement.ec.europa.eu/montenegro-report-2021_en)

ensure that most of the Recommendations 201 are respected. It will send a strong message that sustainable development and conservation takes priority over private sector profit.

**2. As the highest priority, the development and delivery of a new spatial plan for the National Park**, as previously committed to by the Montenegrin authorities. Ensuring that the new Spatial Plan is rezoned according to Recommendations 201, the Shore Functionality Index study and recent biodiversity mapping. Zone I and II with their buffer zones are treated as nature reserves and fully protected from ANY AND ALL developments.

- a. any further new tourist developments should be sustainable, based in areas that are already currently occupied, be of small scale, and be eco and village tourism based. This as per 3.4.2 Recommendations for Montenegro (page 66 of SFI Study).
- b. existing road infrastructure is maintained and not upgraded. We maintain that the new motorway route (Bar-Boljare) over Rijeka Crnojevica should be abandoned, and a more sustainable/less damaging alternative is found.
- c. waterways follow Recommendations 201. Exceptions to the recent law limiting boat engine sizes to be abandoned and law to be enforced.

**3. Protection as a priority.** Finally, initiate and establish efficient and effective methods of monitoring implementation of existing laws, executed in a manner that is visible on the lake.

Thank you for your time.

We appreciate your ongoing efforts and support, and we make ourselves available to you to answer any questions or clarifications needed.

Many thanks,  
NGO Green Home



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- February 2022 -

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Virpazar 18.02.2021

## REPORT

The Informal Citizens Group from Virpazar would like to thank The Standings Committee for keeping file 4/2016 open

### Key updates

- **No meaningful progress from Montenegrin government on recommendations 201 due to political instability resulting in the vote of no confidence in the Montenegrin Government.**

**This complaint has ambitions to prevent irreversible damage to NP Skadar Lake.**

### Reiterating our key positions:

**1. Abandoning SLS Mihalovici entirely** (validity expired in 2020) and, in the light of current evidence, **revoking all building permits for Porto Skadar Lake and White Village**. This will ensure that most of the Recommendations 201 are respected. It will send a strong message that sustainable development and conservation takes priority over private sector profit.

**2. As the highest priority, the development and delivery of a new spatial plan for the National Park, as previously committed to by the Montenegrin authorities. Ensuring that the new Spatial Plan is rezoned** according to Recommendations 201, the Shore Functionality Index study and recent biodiversity mapping.

- Zone I and II with their buffer zones are treated as nature reserves and fully protected from **ANY AND ALL** developments.
- any further new tourist developments be sustainable, based in areas that are already currently occupied, be of small scale, and be eco and village tourism based. This as per 3.4.2 Recommendations for Montenegro (page 66 of SFI Study).
- existing road infrastructure is maintained and not upgraded. We maintain that the new motorway route (Bar-Boljare) over Rijeka Crnojevica should be abandoned, and a more sustainable/less damaging alternative is found.
- waterways follow Recommendations 201. Exceptions to the recent law limiting boat engine sizes to be abandoned and law to be enforced.

**3. Protection as a priority.** Finally, initiate and establish efficient and effective methods of monitoring implementation of existing laws, executed in a manner that is visible on the lake.

Thank you for your time. We appreciate your ongoing efforts and support, and we make ourselves available to you to answer any questions or clarifications needed.

Many thanks,

Informal Citizens group from Virpazar

Montenegro



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