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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

41<sup>st</sup> meeting  
Strasbourg, 29 November – 3 December 2021

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

**- REPORT BY THE GOVERNMENT -**

*Document prepared by  
the Ministry of Ecology, Spatial Planning and Urbanism of Montenegro*

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- July 2021 -



Montenegro  
Ministry of Ecology, Spatial planning  
and Urbanism

Address: IV proleterske brigade no. 19  
81000 Podgorica, Montenegro  
[www.mrt.gov.me](http://www.mrt.gov.me)

## **Progress Report on the Implementation of Recommendation No. 201 (2018)**

July 2021

### **I) Introduction**

At the 39th session of the Standing Committee of the Bern Convention held on 02-06.12.2019, the Standing Committee of the Bern Convention supported the opening of the case related to the construction on Skadar Lake and the case was opened. This means that Montenegro will continue to actively implement the recommendation and will inform the Bureau of the Standing Committee of the Bern Convention on a regular basis about progress.

At a meeting held in April 2020, the Bureau of the Standing Committee of the Bern Convention inspected the reports submitted by both the national authorities and the complainants.

The Bureau is grateful for the timely and detailed reports. It welcomed the progress in certain areas made by the Government of Montenegro, such as the mapping of Skadar Lake, bird counting, the development of the Habitats Reference List and the establishment of the Working Group for the development of the Ulcinj Salina Nature Park Management Plan. However, the Bureau is concerned about the new plans regarding the proposed highway through the Crnojevića River, the road infrastructure upgrade, which is contrary to the provisions of Recommendation no. 201 (2018).

At the 40th session of the Standing Committee of the Bern Convention, held in December 2020, the Standing Committee of the Bern Convention encouraged the Government to report regularly on the implementation of Recommendation no. 201 (2018), focusing on the issues stated in the Decision from the First Session of the Bureau.

### **II) Implementation of Recommendation no. 201 (2018) of the Standing Committee of the Bern Convention**

#### **1. Construction works at Porto Skadar Lake and White village**

The last conducted inspection supervision at the subject locations performed by the Urban Planning and Construction Inspection, which regularly conducts the inspection supervision, established, by the supervision at the sight, that the construction works of the investors "MJ PROPERTY" Podgorica and the LLC "Montenegro resort company MRC" Podgorica at the location Mihajlovići Cadastral

Municipality, within the Project DSL “Mihajlović” Skadar Lake are still in the preparatory phase, i.e. there is no continuation of the activities.

As we have noted in the letter of 16.10.2020., the Administration for Inspection Affairs of Montenegro sent the statement of the investor “Montenegro Restor Company-MRC” to the Ministry of Ecology, Spatial Planning and Urbanism, which informed us that the company “Montenegro Resort Company-MRC” had not started any works on the access road to the future tourist complex Porto Skadar Lake, i.e. from the existing road Rijeka Crnojevića – Virpazar to UP1, Mihailovići Cadastral Municipality, Cetinje, because the process of obtaining the construction permit had still not been completed. The purpose of the activities conducted at the location was only to obtain the expropriation study, and these activities could not have caused any damage. The MRC Company submitted the studies for the allotment and expropriation to the Real Estate Administration of the Cetinje Regional Unit for their approval on 13<sup>th</sup> February 2020, in order to obtain the construction permit. On 28<sup>th</sup> August 2020, MRC once again turned to the Old Royal Capital of Cetinje with the same request, but no permits have been issued yet.

## **2. Defining measures to prevent habitat endangerment and mitigate the negative impact on the ecosystem of the Skadar Lake National Park**

Cooperation has been established and memorandums of cooperation have been signed with the NGOs on the protection of the park area from illegal activities, with a focus on poaching. In cooperation with domestic and international institutions and organizations, certain environmental and educational events were carried out with the aim of raising awareness of the importance of the values of the park and nature. Furthermore, the implementation of the project “Improving wetlands management for the conservation of the Dalmatian Pelican in the Balkans” by NGO “NOE Conservation” from France is ongoing in cooperation with the Public Enterprise National Parks of Montenegro (PENPM)/Lake Skadar National Park and other partners from Montenegro.

Also, in addition to the mentioned threatening factors, the spread of invasive species represents an extremely high pressure on the ecosystems of Skadar Lake. The species *Amorpha fruticosa* (in floodplain ecosystems) and *Egeria densa* (in water ecosystems) are particularly aggressive and cover large areas in the Park. The PENPM professional service performs regular research and monitors the spread of these and other invasive species. Having in mind the complexity of the problem, the measures to mitigate the negative impact of invasive species on the Lake need to be comprehensive, complex, done in cooperation with all competent institutions, and with good cross-border cooperation.

For these reasons, the Center for the Protection and Study of Birds has started the implementation of the project "Restoration of wet meadows of Skadar Lake for sustainable and traditional use", which is supported by the Critical Ecosystem Partnership Fund (CEPF).

The aim of the project is to ensure long-term restoration of traditional and sustainable land use of the Skadar Lake National Park, maintenance of this ecosystem and recovery of local biodiversity.

In the previous period, the PENP carried out the following activities:

- the number of executors of the Protection Service has been increased from 16 to 23 supervisors; - procurement of material and technical means was performed, which includes:

1. Procurement of 2 vessels for the needs of the Protection Service;

2. video surveillance was installed in Vranjina and Virpazar, as well as
3. thermal camera location Bolje Sestre covering the entire area of Malo Blato.
4. life jackets for supervisors were procured from personal equipment.

- During the fishing ban, joint activities were carried out in mixed patrols together with members of the Police Administration on the territory of the Park. Also, other controls of illegal activities in the coordination of the co-administrative police and inspection services were realized. In order to process the recorded illegal activities in the Park as efficiently as possible, meetings were held with representatives of inspection services (forestry, hunting and plant protection, freshwater fishing, spatial protection, tourist and construction inspection).

### **3. Planning documents – Special purpose spatial plan for Lake Skadar NP and the General Regulation Plan of Montenegro**

As the Proposal of the Spatial Plan of Special Purpose has not been adopted yet, the old Spatial Plan of the Special Purpose Area for the National Park “Skadar Lake” (“Official Gazette of Montenegro” No. 46/01) is in force, until the adoption of the new Plan. Pursuant to Article 218 of the Law on Spatial Planning and Construction of Structures (amendment to the Law from 2020), the preparation and adoption of all planning documents, except the Spatial Plan of Montenegro, including the started planning documents, is within the competence of the Government of Montenegro.

The Ministry of Ecology, Spatial Planning and Urbanism is evaluating all issues related to the preparation of new planning documentation, as well as the overall spatial planning policy.

### **4. Measures taken to preserve and improve the environmental value of protected areas and the potential NATURA 2000 and Emerald networks such as the Ulcinj Salina, Lake Skadar and river courses**

#### Ulcinj Salina

Within the cooperation between the Government of FR Germany and the Government of Montenegro, a ToR proposal was prepared for a German expert who will support the municipality of Ulcinj in defining the optimal management model for this protected area, as well as implementing protection measures in this area. It is expected that the expert will start his work engagement during 2021. The Government of Montenegro has continued to take measures and activities to ensure further protection and sustainable management of the Nature Park "Ulcinj Salina", in cooperation with the Public Enterprise for National Parks of Montenegro (PENPM), which extended the Lease Agreement of the Ulcinj Salina for a period of one year, i.e., until August 24, 2021. The Municipality of Ulcinj formed a Working Group on January 15, 2020, which drafted the Five-year Management Plan for the Protected Natural Asset of the Ulcinj Salina. A public hearing on the Draft Five-Year Management Plan for the Protected Natural Asset of the Ulcinj Salina was organized in the period from 7-28 July 2020. In February 2021, The Draft Five-year Management Plan for the Protected Nature Park Ulcinj Salina was submitted by the Municipality of Ulcinj to the Ministry of Ecology, Spatial Planning and Urbanism for opinion and in March 2021 the Ministry sent suggestions for corrections to the Draft Management Plan.

By the decision of the Privatization Council of the Government of Montenegro, Ulcinj Salina was declared the undisputed property of the state. The decision of the Privatization Council, which was made on July 21, 2021, states that the property of Montenegro is registered on the land with a total area of over 14.5 million square meters, and the right to use it belongs to Salina "Bajo Sekulić". The Ambassador of Germany to Montenegro, Robert Weber, welcomed the decision of the Council, adding that it was an important step in fulfilling the final criteria for the field of environment.

### Natura 2000

Regarding the activities related to the continuation of data collection with the aim of identifying potential Natura 2000 sites within the state budget, funds were provided during 2020 for the continuation of field work, which was carried out by the Nature and Environment Protection Agency in accordance with the improved methodology established by the previous IPA project "Establishment of Natura 2000 network".

During 2020, through the GEF project "Promoting Protected Areas Management through Integrated Marine and Coastal Ecosystems Protection in Coastal Area of Montenegro", which is implemented in cooperation with the Ministry of Ecology, Spatial Planning and Urbanism and the United Nations Environment Program, activities continued on the establishment of 3 protected areas in the sea (Platamuni, Katič, Old Ulcinj Island). Platamuni Nature Park area was declared as the first marine protected area in Montenegro at the 21st session of the Government of Montenegro held on April 22, 2021. Drafts of the Protection Study for other two areas have been prepared and a Public Hearing procedure is expected.

Contribution to activities of mapping locations in the marine environment, in addition to research within the state budget, during 2021, the research will be implemented through IPA 2016 projects "Support to Implementation and Monitoring of Water Management in Montenegro" and InterregMED "Biodiversity Protection", through which mapping of two more valuable areas is planned.

### UNESCO site

Montenegro has included beech forests of the Biogradska gora National Park in the Tentative List "Ancient and Primeval Beech Forests of the Carpathians and Other Regions of Europe - extension (Montenegro)", to qualify for inclusion in the UNESCO World Heritage List. Namely, with the drafting of the Nomination file for the third extension of the UNESCO World Natural Heritage serial property "Ancient and primeval beech forests", the final phase of nomination of European original beech forests and primeval beech complex forests on the territory of Montenegro, Switzerland, the Czech Republic, Poland, Slovakia, Italy, France, Serbia, Bosnia and Herzegovina and Northern Macedonia has begun.

### Tara River

As continuation of activities which were implemented in 2019 and 2020, and all of that with the aim of following the impact of the highway construction on Tara River, all at once and in accordance with the UNESCO mission recommendations, the Ministry of Ecology, Spatial Planning and Urbanism will implement two projects during 2021:

- Monitoring of the Tara riverbed fauna on three sites where research was conducted during last year, and
- Impact of the construction of Bar-Boljare highway on endemic and internationally protected species - snails in Tara river.

In accordance with the article 58 of the Law on Nature Protection (Official gazette of Montenegro, no. 54/16), in the beginning of 2021 the manager of national parks (PENPM) prepared the Draft Five-year Durmitor National Park and Skadar lake National Park Management Plan for the period 2021-2025.

- April 2021 -



Montenegro  
Ministry of Ecology, Spatial planning  
and Urbanism

Address: IV proleterske brigade no. 19  
81000 Podgorica, Montenegro  
tel: +382 20 446 200  
+382 20 446 295  
fax: +382 20 446 215  
[www.mrt.gov.me](http://www.mrt.gov.me)

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### **II) Implementation of Recommendation no. 201 (2018) of the Standing Committee of the Bern Convention**

#### **1. Planning documentation - General Regulation Plan of Montenegro and Spatial Plan for Special Purpose for Skadar Lake NP**

The Government of Montenegro has adopted a Decision on the development of the General Regulation Plan, and the Ministry of Ecology, Spatial Planning and Urbanism is evaluating all issues related to the General Regulation Plan of Montenegro, as well as the overall spatial planning policy. Among other things, the Plan will incorporate the recommendations of the Standing Committee of the Bern

Convention regarding construction on Skadar Lake, in order to ensure their adequate implementation through the planning document.

Pursuant to Article 17 of the Law on Spatial Planning and Construction of Structures, the General Regulation Plan of Montenegro is adopted for the northern, central and coastal region, as well as the area of national parks and the area protected by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

The proposal of the decision on the adoption of the Spatial Plan for Special Purpose for „Skadar Lake “National Park was determined by the Government of Montenegro at the session on September 13, 2018, after which the proposal was sent to the Parliament of Montenegro for adoption.

However, the Proposal of the Spatial Plan for Special Purpose was not adopted. According to Article 218 of the Law on Spatial Planning and Construction of Structures (amendment to the Law from 2020), the preparation and adoption of all planning documents, except the Spatial Plan of Montenegro, including the started planning documents, is within the competence of the Government of Montenegro. The old Spatial Plan for Special Purpose for Skadar Lake National Park ("Official Gazette of Montenegro" No. 46/01) shall remain in force, until the adoption of the new Plan.

In addition, the Government of Montenegro started the process of drafting the Spatial Plan of Montenegro, by adopting the Decision on drafting the Spatial Plan of Montenegro ("Official Gazette of Montenegro", No. 82/20), after which, in accordance with the established drafting procedure, the Concept of this plan was made. This planning document is a strategic document and the general basis for the spatial organization and development of Montenegro, which defines the state goals and spatial development measures, in accordance with the overall economic, social, ecological, and cultural-historical development of Montenegro.

## **2. Highway route through the Crnojevića River**

The Spatial Plan of Montenegro until 2020 determines the corridor of the Bar-Boljare highway and the Detailed Spatial plan of the Bar-Boljare highway defines the stage construction. In accordance with that, the Detailed Spatial Plan of the Bar – Boljare Highway (Official Gazette of Montenegro No. 64/08) plans two highway routes for the section Đurmani - Smokovac:

- Corridor of the highway - section from the exit of the tunnel Sozina - Tanki rt - Vranjina - Ponari - composition with the corridor of the Adriatic-Ionian highway;
- Alternative highway corridor bypassing Skadar Lake, which was assessed as more acceptable, because it is in line with the criteria of sustainable development (economic, social, environmental, and cultural). This option has fewer conflicts over current purpose land use; does not endanger the established and planned network of settlements or existing protected ecosystems.

We note that in the Spatial and Urban Planning (SUP) of Podgorica Capital both routes of the highway corridor were recognized, while the SUP of the Old Royal Capital Cetinje only recognizes the first variant, via Skadar Lake, with the explanation that the alternative land variant, via Crnojevića River, causes major changes in space of the Old Royal Capital Cetinje.

The existence of variant solutions in the adopted planning solution leaves the possibility to review them in more detailed way through the preparation of technical documentation.

We emphasize that through the Spatial Plan of Montenegro, whose development is in progress, among other things, the solutions of the valid planning documentation will be reviewed, as well as the variant of the solution of the Detailed Spatial Plan of the Bar - Boljare highway.

The initial results of the Strategic Environmental Impact Assessment of the Bar - Boljare Highway indicate the need to analyze alternative solutions in conflict areas, such as Skadar Lake.



In order to implement the construction of the Bar - Boljare highway, i.e., to prepare technical documentation, the then Ministry of Transport and Maritime Affairs, the current Ministry of Capital Investments, in March 2019, through the regional initiative Program for Infrastructure Projects funded by the EU, hired a company that started a feasibility study for the highway which will, among other things, through multicriteria analysis provide the optimal variant of the highway route. In particular, the variant for the section Đurmani - Farmaci, which crosses Skadar Lake, was assessed as negative due to strict environmental restrictions, and it was proposed that the continuation of the Study consider solutions in the hinterland of Skadar Lake. Through further elaboration of the Study and development of the Preliminary Design, taking into account all limitations, conditions will be created for a more detailed presentation of the highway route, with the intention and position of the Ministry of Capital Investments to minimize environmental impacts.

We emphasize that through the Spatial Plan of Montenegro, whose development is in progress, among other things, the solutions of the valid planning documentation will be reviewed, as well as the variant of the solution of the Detailed Spatial Plan of the Bar - Boljare highway.

### **3. Construction works on Porto Skadar Lake and White village**

The Decision on the adoption of the Mihailovići Location State Study ("Official Gazette of Montenegro", No. 49/14) states that the SSL "Mihailovići" is adopted for the period up to 2020, provided that within three years from the date of adoption of this planning document, the stakeholder of the space is obliged to obtain the documentation necessary for the issuance of a building permit, i.e., to obtain a building permit. In the area of SSL "Mihailovići", the Municipality of Cetinje, two building permits were issued by the then Ministry of Sustainable Development and Tourism, and the current Ministry of Ecology, Spatial Planning and Urbanism, as follows:

- Investor - Ltd Montenegro resort company MRC, Podgorica, building permit for construction of a tourist resort on UP1, number: UPI 0503-836 / 12-2014 from 27.03.2015.
- Investor - Ltd MJ Property, Podgorica, building permit for the construction of a tourist resort - hotel with annexes on UP2 and UP3, number: UPI 1054-87 / 12 from 06.06.2016.

The mentioned building permits were issued on the basis of the derogated Law on Spatial Planning and Construction of Structures (2008). According to Article 97 of the Law, the investor is obliged to start the construction of the facility within 2 years from the day of issuing the building permit, which the investors did. In case that the investors did not start the construction within the prescribed legal deadline, the right to build according to the issued building permit would cease - which is also stated in the issued permits. Building permits do not contain a deadline within which works on the facilities must be completed. It is important to point out that investors have acquired the right to build facilities on the basis of a building permit.

The Inspectorate for Urban Construction which regularly performs inspections, determined, with the last performed inspection at the locations concerned, that the works of the investors MJ PROPERTY, Podgorica and Ltd Montenegro resort company MRC, Podgorica at the location KO Mihailovići in the area of SSL Mihailovići, Skadar Lake is still in the phase of preparatory works, i.e., the construction of facilities has not started.