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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: 2021/07

**Alleged threat to fauna species and protected sites due to the
proposed construction of a lithium mine in the Jadar River Valley
(Serbia)**

- GOVERNMENT REPORT -

Document prepared by

Ministry for Environmental Protection, Serbia



Republic of Serbia
MINISTRY
OF ENVIRONMENTAL PROTECTION
No. 001818316 202414850 004 008 000 001
Date: 30 July 2024
Belgrade

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

Subject: Progress Report concerning the Appeal No. 2021/7: the Appeal is being monitored: Serbia: Alleged threat to wild animal species and protected areas due to the proposed construction of a lithium mine in the valley of the Jadar River

Dear Mr. Poutiers,

As regards the Request of the Secretariat of the Berne Convention of 3 October 2023 concerning the Appeal No. 2021/7: the Appeal is being monitored: Serbia: Alleged threat to wild animal species and protected areas due to the proposed construction of a lithium mine in the valley of the Jadar River, the Ministry of Environmental Protection has, in its capacity as the competent authority monitoring the implementation of the Berne Convention for the Republic of Serbia, sent a Request for progress reports to the competent authorities and organisations, namely to the: Ministry of Construction, Transport and Infrastructure, Ministry of Mining and Energy and the Institute for Nature Conservation of Serbia, including an internal report of the Ministry of Environmental Protection.

On the basis of reports received from the competent authorities and organisations (the translated copies of which are attached herewith), we hereby inform you of the following:

We have been informed by the Ministry of Construction, Transport and Infrastructure that the Regulation on the designation of the Special Purpose Area for the execution of the Project for exploitation and processing of the mineral jadarite "Jadar" (*Official Gazette of the Republic of Serbia*, No. 26/20) was adopted by the Government at its session of 20 February 2020, in accordance with the Constitution and the Law on Planning and Construction, which stipulate that the Spatial Plan of the Special Purpose Area shall be adopted by the Government upon a proposal of the ministry in charge of spatial planning affairs.

As you were informed in the previous report, the Government of the Republic of Serbia adopted the Regulation repealing the Regulation on the designation of the Special Purpose Area for the execution of the Project for exploitation and processing of the mineral jadarite "Jadar" (published in the *Official Gazette of the Republic of Serbia*, No. 8/22 of 20 January 2022).

Nevertheless, **the Constitutional Court Decision determined that the Regulation repealing the Regulation on the designation of the Special Purpose Area for the execution of the Project for exploitation and processing of the mineral jadarite "Jadar" was not in accordance with the Constitution and the law.** The said Decision was published in the *Official Gazette of the Republic of Serbia*, No. 59/2024 and came into force on 12 July 2024.

Recognizing the legal opinions of the Constitutional Court, particularly the statement that the procedure of establishing the reasons for a possible repeal of the 2020 Regulation had not been implemented in a legal manner, the Government concluded that, for the purpose of executing the Constitutional Court Decision, the possibility of further application of the Regulation needed to be ensured, with a view to completing the initiated procedures in a constitutional and legal manner.

As the 2022 Regulation had repealed the Regulation on the designation of the Special Purpose Area for the execution of the Project for exploitation and processing of the mineral jadarite "Jadar", which had been adopted in accordance with the Constitution and the Law on Planning and Construction, the Government, upon a proposal of the Ministry of Construction, Transport and Infrastructure, adopted the **Regulation on the application of the Regulation on the designation of the Spatial Plan of the Special Purpose Area for the execution of the Project for exploitation and processing of the mineral jadarite "Jadar"**, thereby undertaking measures to revert the legal order into the state prior to the adoption of the unconstitutional Regulation. This Regulation was adopted by the Government on 16 July 2024.

As regards the adoption of the **Integrated National Energy and Climate Plan of the Republic of Serbia (INECP)** by the Ministry of Mining and Energy, we have been informed that it was **adopted at the Government's session on 25 July 2024.** This Plan is a key strategic document which, in terms of renewable energy sources, energy efficiency and reduction of greenhouse gas emissions, defines and provides for concrete measures and policies for the achievement of these targets.

The **Institute for Nature Conservation of Serbia** has informed us that, on the basis of an inspection of the Central Register of Protected Natural Assets and the Institute's documentation, it does not have any new data relative to the previous Report of the Ministry, and that, on the basis of an inspection of the GIS database on habitats and protected species, maintained by the Institute as a part of the information system on nature conservation, it has ascertained that **it does not have any new data on the distribution and status of the existing or new recorded wild species and habitat types in the said area.**

In addition, the Institute for Nature Conservation of Serbia has stated that the Rio Tinto Mining Company, through its legal entity in Serbia, Rio Sava Exploration d.o.o. Beograd, submitted an application for issuance of environmental protection requirements on 23 July 2024, for the purpose of filing an application for the volume and contents of an environmental impact assessment study of the Project for exploitation and processing of the mineral jadarite "Jadar".

With regard to the previously submitted report of January 2023, we would like to hereby inform you that the parts concerning the reports of the Ministry of Environmental Protection do not contain any new information or activities.

While eagerly awaiting your reply, we would like to thank the Office in advance for its consideration of this Report.

Sincerely,

DEPUTY PRIME MINISTER AND
MINISTER



Irena Vujović

Republic of Serbia

MINISTRY OF CONSTRUCTION,
TRANSPORT AND INFRASTRUCTURE

No. 000398708 2023
Date: 23 July 2024
Nemanjina 22-26, Beograd

MINISTRY OF ENVIRONMENTAL PROTECTION

BELGRADE
Bulevar Mihajla Pupina 2

Subject: Supplement to the reply to the request for a progress report concerning the Appeal No. 2021/7 relating to the threat to fauna species and protected areas due to the proposed construction of a lithium mine in the valley of the Jadar River.

To Whom It May Concern,

As regards your request addressed to the Ministry of Construction, Transport and Infrastructure in respect of the progress report concerning the Appeal No. 2021/7 relating to the threat to fauna species and protected areas due to the proposed construction of a lithium mine in the valley of the Jadar River, we hereby provide you with an additional statement:

Namely, the Regulation on the designation of the Special Purpose Area for the execution of the Project for exploitation and processing of the mineral jadarite "Jadar" (*Official Gazette of the Republic of Serbia*, No. 26/20) was adopted by the Government at its session of 20 February 2020, in accordance with the Constitution and the Law on Planning and Construction, which stipulate that the Spatial Plan of the Special Purpose Area shall be adopted by the Government upon a proposal of the ministry in charge of spatial planning affairs (Article 35, paragraph 2 of the Law on Planning and Construction).

The Constitutional Court Decision No. 1Uo-39/2022 determined that the Regulation repealing the Regulation on the designation of the Special Purpose Area for the execution of the Project for exploitation and processing of the mineral jadarite "Jadar" (*Official Gazette of the Republic of Serbia*, No. 8/22) was not in accordance with the Constitution and the law. The said Constitutional Court Decision was published in the *Official Gazette of the Republic of Serbia*, No. 59/2024 and came into force on 12 July 2024.

Recognizing the legal opinions of the Constitutional Court, particularly the statement that the procedure of establishing the reasons for a possible repeal of the Regulation had not been implemented in a legal manner, the Government concluded that, for the purpose of executing the Constitutional Court Decision, the possibility of further application of the Regulation needed to be ensured, with a view to completing the initiated procedures in a constitutional and legal manner.

As the said Regulation had repealed the Regulation on the designation of the Special Purpose Area for the execution of the Project for exploitation and processing of the mineral jadarite “Jadar”, which had been adopted in accordance with the Constitution and the Law on Planning and Construction, the Government, upon a proposal of the Ministry of Construction, Transport and Infrastructure, adopted the Regulation on the application of the Regulation on the designation of the Spatial Plan of the Special Purpose Area for the execution of the Project for exploitation and processing of the mineral jadarite “Jadar”, thereby undertaking measures to revert the legal order into the state prior to the adoption of the unconstitutional Regulation. This Regulation was adopted by the Government under the number 110-6672/2024. on 16 July 2024.

Sincerely,

MINISTER

Goran Vesić



Republic of Serbia
MINISTRY OF MINING AND ENERGY
No.: 001930629 2024 14820 007 000 000 001
Date: 24 July 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.: 001818316 2024 14850 004 008 000 001 of 4 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. 2021/7: *Complaint on stand: Serbia: Alleged threat to fauna species and protected sites due to the proposed construction of a lithium mine in the Jadar River Valley*. In accordance with the letter sent, you have requested a progress report from the Ministry of Mining and Energy from its scope of work.

By inspecting the official record, it has been established that the Ministry of Mining and Energy submitted with its letters No.: 310-02-01722/2022-02 of 27 December 2022, 30 January 2023, 30 May 2023 and 15 December 2023 reports on the information required. There is no further information or activities regarding the scope of work of the Ministry of Mining and Energy.

Also, we take the opportunity to inform you that the Integrated National Energy and Climate Plan of the Republic of Serbia (INKEP) was adopted at the Government session, which is a key strategic document that defines and predicts renewable energy sources, energy efficiency and the reduction of greenhouse gas emissions. concrete measures and policies to achieve them.

Sincerely yours,

MINISTER

/s/ Dubravka Djedović Handanović

Delivered to:
- Addressee;
- Archive.

INSTITUTE FOR NATURE CONSERVATION
OF SERBIA

03 No. 025-2354/7

MINISTRY OF ENVIRONMENTAL PROTECTION

Omladinskih brigada no. 1
11070 Novi Beograd

Your reference: 00818316 2024 14850 004 008 000 001 of 9 July 2024

The Institute for Nature Conservation of Serbia received your request registered under 03 no. 025-2354/1 of 14 June 2024 for the supplement to the report on progress on the Complaint No. 2021/7: „*Complaint on stand: Serbia: Alleged threat to fauna species and protected sites due to the proposed construction of a lithium mine in the Jadar River Valley*“.

With 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. 2021/7 of 3 October 2023, 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 the proposed construction of a lithium mine in the Jadar River Valley, we would like to inform you of the following:

- By inspecting the Central Register of Protected Natural Resources and the Institute's documentation, it has been found that for the respective site (The Jadar River Valley), the Institute does not have any new data concerning the answer to the Complaint submitted on 24 January 2022 (Case-file 03 No. 025-3970/3; Your Ref. No.: 337-00-00154/2021-04 of 22 November 2021);
- Pursuant to insight into the GIS database on habitats and protected species kept by the Institute within the information system on nature conservation, it has been established that 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 conducted any research or monitoring of wild species and habitat types under Annexes II and III of the Bern Convention in the Jadar River Valley.

Based on 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. 2021/7.

We hereby inform you that the Mining Company Rio Tinto submitted, through its legal entity in Serbia, Rio Sava Exploration d.o.o. Belgrade, a request no. 462 of 23 July 2024, registered by the Institute under 03 no. 021-2818/1 of 23 2024, for the issuance of nature protection conditions for the purposes of submission of application for the scope and content of the Environmental Impact Study for the „Jadar“ project for exploitation and processing of jadarite mineral. In this regard, the Institute will provide you with this answer as well, possibly in the form of a supplement for reporting purposes on this case.

HEAD OF LEGAL,
PERSONNEL AND GENERAL AFFAIRS

Goran Drmanović

as per Decision 02 No. 012-1 164/6 of 24 July
2024

Cc:
- The Applicant
- Archive
